PRECEDENT BOOK

CHAPTERS 1-4

CABINET SYSTEM
**CHAPTER ONE**

**INTRODUCTION**

<table>
<thead>
<tr>
<th>Paragraph</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Cabinet System</td>
<td>1.1</td>
</tr>
<tr>
<td>Cabinet Secretariat</td>
<td>1.2</td>
</tr>
<tr>
<td>Cabinet Procedure and Ministerial Propriety</td>
<td>1.4</td>
</tr>
<tr>
<td>&quot;Questions of Procedure for Ministers&quot;</td>
<td>1.5</td>
</tr>
<tr>
<td>Precedent Book</td>
<td>1.6</td>
</tr>
<tr>
<td>Other Guidance Documents</td>
<td>1.7</td>
</tr>
<tr>
<td>Collective Responsibility</td>
<td>1.8</td>
</tr>
<tr>
<td>Collective Responsibility and Ministerial Accountability</td>
<td>1.13</td>
</tr>
<tr>
<td>Open Questions</td>
<td>1.14</td>
</tr>
<tr>
<td>Agreements to Differ</td>
<td>1.15</td>
</tr>
<tr>
<td>Private Dissent</td>
<td>1.16</td>
</tr>
<tr>
<td>Breaches</td>
<td>1.19</td>
</tr>
</tbody>
</table>

**ANNEX A**
Notes

**ANNEX B**
Cabinet and Cabinet Office - Introductory Bibliography

CONFIDENTIAL  
AUGUST 1992
CONFIDENTIAL

ANNEX C  Development of Notes on Procedure  C-1

ANNEX D  Collective Responsibility: Agreements to Differ  D-1

ANNEX E  Guidance Documents for the Cabinet Secretariat
           (a) Chairmanship  E-1
           (b) Format of Briefs  E-6

CONFIDENTIAL  AUGUST 1992
CHAPTER ONE

INTRODUCTION

(References are to Notes in Annex A)

THE CABINET SYSTEM

1.1 The Cabinet is the key element in the British system of government. In constitutional theory it forms the link between the legislative and the executive, and Cabinet Ministers are both Members of Parliament and members of the Government. Most of the formal executive powers of the Government are vested in departmental Ministers (the Prime Minister has very few formal powers) and the Cabinet is thus also the link between the different parts of the executive. It is the central co-ordinating body and the ultimate decision taker (see section 1.8 et seq below). With the vast expansion and complexity of Government business since the 19th century the Cabinet has developed a supporting system of committees and a secretariat which serves both the Cabinet and its committees.

Cabinet Secretariat

1.2 The Cabinet Secretariat dates only from the formation of Lloyd George's wartime coalition Government in December 1916. Sir Maurice Hankey, Secretary to the Committee of Imperial Defence, was appointed Secretary of the Cabinet and established a small secretariat. The principal duties were to record the proceedings of the Cabinet; to transmit the decisions to 11 Departments concerned in giving effect to them or otherwise interested; to prepare agenda papers, arrange for the attendance of Ministers and other persons concerned, and procure and circulate documents required for discussion; and to attend to correspondence connected with the work of the
Cabinet. These duties - extended to cover Cabinet Committees in the same way - remain the principal duties of the Secretariat. The members of the Secretariat are the servants of Cabinet and of its Committees as a whole, but particularly of the Chairmen, to whom they look for instructions on any questions which may arise, and under whose authority they act on matters on which they have not been given precise instructions by the Cabinet for the committee concerned. In particular they are responsible for briefing Chairmen for meetings, for advising them on matters of Cabinet and Committee procedure, for drawing their attention to events or information which affect the Cabinet’s (or the Committee’s) work, and for watching the action taken by Departments to implement the Cabinet’s (or the Committee’s) conclusions.

1.3 In addition, the Secretary of the Cabinet, as the servant of the Cabinet and of Ministers collectively, is ready to advise on all questions of Ministerial procedure and propriety.

CABINET PROCEDURE AND MINISTERIAL PROPRIETY

1.4 There are a number of official documents which provide advice on various aspects of Cabinet and Committee Procedure and on Ministerial propriety and behaviour (see paragraphs 1.5 to 1.7 below). In addition, standard academic works may occasionally be helpful (a limited general bibliography is at Annex B) but such works should not be treated as "authorities". Ultimately, decisions on procedure and propriety are matters for Ministers, in particular for the Prime Minister, will depend on what is judged to be generally and politically acceptable - which will change from time to time.

"Questions of Procedure for Ministers"

1.5 The basic ground rules for Ministers on matters of procedure and propriety are nowadays set down for each Government in a memorandum from the Prime
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Minister entitled "Questions of Procedure for Ministers" which is circulated to all Ministers on appointment and copious reference to the current edition (C(PR)(91) 1) are contained throughout this book. Although Questions of Procedure is normally reissued on a change of Prime Minister (and when substantial amendments need to be incorporated), it has evolved gradually in response to areas where problems have arisen. There is no significant variation in the guidance according to the political complexion of the Government apart from the inclusion of advice on matters which may only be relevant to Ministers of a particular political party (eg arising from the special relationship between the Trades Unions and the Labour Party) or a particular Government (eg it might be necessary to include special procedural advice for a coalition Government). A note on the development of "Questions of Procedure" is at Annex C.

Precedent Book

1.6 This precedent book is intended as a working guide to the whole field of Cabinet and Committee procedure (primarily Chapters 1-4) and Ministerial propriety (Chapters 5-12). It is thus to a large extent an amplification of "Questions of Procedure for Ministers" and a guide to its detailed interpretation. Its basis is a statement of current practice and procedure and of established precedents. It also includes some historical notes and references to variations and exceptions where these help with the practical interpretation of the guidance but they are by no means intended to provide a full historical account of the development of current practices. Supporting references are given, where appropriate, to Cabinet Office files and to Cabinet and Cabinet Committee minutes and memoranda. Each chapter is accompanied by an Annex of file references and detailed notes and other annexes and appendices as necessary.

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1.7 In addition, there is within the Cabinet Office a number of more detailed guides to particular aspects of Cabinet and Committee procedure and mechanics:


c. The Cabinet Document Officer's Handbook (CSI(91) 1) contains instructions on the preparation and handling of Cabinet papers and is circulated to all Departments.

d. Do's and Don'ts of Chairmanship (CS(80 2), contains advice on the art of Chairmanship (Annex E).

e. Briefs. The style and content of briefs inevitably depends to a considerable extent on the wishes of the particular Prime Minister or Committee Chairman (and, of course, on the nature of the subject) and the Cabinet Secretariat has a well developed house style which is adjusted to suit the particular reader. Nevertheless, CS(75) 2, a note by the then Secretary of the cabinet on the preparation of briefs for Mr Wilson contains useful general advice.

The notes on chairmanship and the preparation of briefs are included as Annex E to this chapter (the latter without its original attached examples which are somewhat dated). The other documents are readily available within the Cabinet Office.
COLLECTIVE RESPONSIBILITY

All members of the Government share a collective responsibility for all its policies. (The Prime Minister, Rt Hon H Wilson-Hansard, 26 November 1974, col 144)

I attach the highest importance to the principles...... concerning collective and Ministerial responsibility (The Prime Minister, The Rt Hon Mrs M H Thatcher - cover note to 1979 edition of Questions of Procedure for Ministers)

Decisions reached by the Cabinet or Cabinet Committees are binding on all members of the Government... (C(PR)(92) 3 paragraph 17).

1.8 The development of Cabinet Government in this country has been based on the principle of collective responsibility. While individual Ministers are responsible to Parliament for the administration of their Departments, all members of the Government carry joint responsibility for all the Government's policies and decisions. This is made quite explicit in Questions of Procedure for Ministers (C(PR)(92) 3, paragraph 17, quoted above) which also spells out a number of the practical implications of the doctrine, notably with regard to confidentiality of the decision making process (ibid, paragraphs 18 and 19).

1.9 Questions which engaged the collective responsibility of the Government are those raising major issues of policy or those likely to occasion public comment or criticism. The corollary of collective responsibility is collective decision making: Ministers must share in the formulation of policies which they will be expected to defend. This also means that in discharging day to day responsibility for the administration of a Department a Minister must be sure that any new policies or major modifications of existing policies command the support of Ministerial colleagues.

AUGUST 1992
1.10 A much quoted classic statement of the basic doctrine is that of Lord Salisbury in 1878:

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

The practical application of the doctrine has, however, developed significantly since Lord Salisbury’s time when virtually all members of the Government (except Parliamentary Secretaries and Whips) were members of the Cabinet and there was no Committee system. The growth in the scope and volume of Government business has led to:

a. The appointment of many more non-Cabinet Ministers (eg no Ministers of State before 1945, 28 in 1992).

b. The greater involvement of non-Cabinet Ministers in Government business including Parliamentary Secretaries, particularly inside Departments but also collectively.

c. Many more issues coming for collective decisions with consequent growth of the Cabinet Committee system.
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d. More issues being decided by individual Ministers. But the Government is still held collectively responsible for them in Parliament and in the country.

1.11 Collective responsibility applies equally to decisions made by Cabinet itself, by a Cabinet Committee or an individual Minister. It follows that particular Ministers (especially Junior Ministers) will often be "responsible" for decisions that they took no part in making. This means that they must vote with the Government, speak in defence of it if the Prime Minister insists, and cannot afterwards reject criticism either in Parliament or outside on the ground that they did not agree with the decision. It also follows that Ministers must not commit the Government while an issue is still under consideration, or has yet to be considered. A Minister who cannot accept the constraints of collective responsibility must resign from the Government.

1.12 The fact that a Minister does not take part in the making of a particular decision or even is not aware what decision has been made, in no way derogates from a Minister's "responsibility". But it does mean that care should be taken:

a. To ensure so far as possible that decisions are reached in such a forum and at such a level that the Government can accept responsibility for them - this is the purpose of the Cabinet and its Committee system.

b. To keep Ministerial colleagues - including junior Ministers so far as possible - well informed of Government decisions. The circulation of Cabinet and Cabinet Committee minutes is important here, though dissemination of information within a Department is the responsibility of the departmental Minister (see also Chapter Four).

c. To help junior Ministers particularly to make their contribution to the formulation of Government policy. This applies particularly within

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AUGUST 1992
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Departments though junior Ministers can also play a part in collective decision making through the Cabinet Committee system (see Chapter Three).

It also means that Ministers must take care that their public utterances do not conflict with the policies or decisions of another Minister (see Chapter Seven).

Collective Responsibility and Ministerial Accountability

1.13 Although a decision may be made in a Cabinet or a Cabinet Committee, and engage the collective responsibility of the Government as a whole, Ministers individually are accountable to Parliament for those policies for which their Departments are responsible. Hence, for example, it was ruled inappropriate for Mr Wakeham, Lord President of the council, to announce in 1988 a series of measures relating to alcohol abuse which had been agreed by a Ministerial group (not, in fact, a Cabinet Committee) of which he has been Chairman (the measures were announced by the Home Office). The Cabinet Office exists to service the Cabinet Committee machinery, and does not exercise the policy responsibility of other Departments of Government. It is therefore responsible to the Prime Minister, as Chairman of Cabinet, and not to a departmental Minister. When a Minister other than the Prime Minister has exercised responsibility for part of the work of the Cabinet Office - such as the Chancellor of the Duchy of Lancaster, between 1987 and 1989, on work relating to the inner cities - his responsibilities were confined to the co-ordination of action and presentation on behalf of the Prime Minister, and there was no transfer of responsibilities from other Government Departments to the Cabinet office. It follows from this that, for example, answers to Parliamentary Questions are normally only prepared by the Cabinet Office on matters which are properly the responsibility of the Prime Minister; and that Cabinet Office officials do no normally appear before Select Committees (exceptions were occasionally made in the case of the Chief Scientific

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AUGUST 1992
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Adviser when part of the Cabinet Office). These guidelines do not, of course, apply to functions within the Cabinet Office delegated by the Prime Minister as Minister for the Civil Service to another Ministerial colleague (at present the Office of Public Service and Science functions for which the Chancellor of the Duchy of Lancaster takes day to day responsibility.

Open Questions

1.14 An "open question" is one on which there has been no collective decision and where Ministers may vote or speak as they please. Of course, it is not sufficient that the Cabinet simply has not reached a decision (which might arise from lack of time, complexity of the issues etc); what is needed is a decision that the issue does not (or shall not) engage the collective responsibility of the Government. In recent times, its has generally been only "non-political" issues eg the reform of the Prayer Book, abortion law reform, that have been regarded as "open". For example, in June 1976 the Cabinet agreed (CM(76) 8th Meeting Conclusions) that the Home Secretary might publish a discussion document should be in a low key and should imply no policy commitment or intention on the part of the Government to take decisions. On this basis it would be open to Ministers to express their individual views in any public debate of the major constitutional issues raised in the document. More recently, the Cabinet agreed (CC(83) 22nd Conclusions) to allow a free vote in the House of Commons on the principle of the re-introduction of capital punishment for certain offences. Members of the Cabinet and other Ministers voted in both lobbies but all Ministers were expected to abide by the decision of the House (which was against re-introduction).

Agreements to Differ

1.15 On three occasions - in 1932, 1975 and 1977 - Cabinets, while not leaving a question "open" but reaching a decision on it, have agreed that Ministers who did
not agree with the decision need not accept collective responsibility for it, ie they
might express their disagreement with it without the necessity of resignation. (NB.
In each case, the decision was made by the Cabinet but applied to all Ministers.)
Each occasion could be argued to have had unique characteristics (for further notes
on the 1932 and 1975 cases see Annex D):

i. In 1932 the National (coalition) Government took a decision in favour of
import controls but the resignation of the Liberal members could only be
avoided by giving them "liberty to express their views by speech and vote".

ii. In 1975 the Labour Government took a decision to recommend (in the
referendum) that the United Kingdom should remain a member of the
European Community. Opinion within the Labour Party had been deeply
divided on the question for many years, and those Ministers who disagreed
with the Government's decision were permitted to vote (but not speak)
accordingly in Parliament and to speak accordingly in the country. One
Minister (Mr Heffer) felt that he must speak in Parliament on the question
and he resigned from the Government to do so.

iii. In 1977 the Cabinet decided that Ministers should have a free vote on
the Second Reading of the European Assembly Elections Bill and on the
clause in the Bill relating to the method of election. Ministers were not
permitted to speak against the Bill in the House or in the country.

Private Dissent

1.16 From time to time, Ministers who have agreed to be bound by a particular
Cabinet decision and by the public constraints of collective responsibility may
nevertheless request that their disagreement with that decision be recorded
confidentially. In theory, and provided that the Minister says and does nothing

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publicity which would reveal dissent, this should not significantly damage the principle of collective responsibility as the record would not normally be available for at least thirty years. Nevertheless, there are a number of reasons for discouraging the recording of dissent even where the Minister concerned is prepared to accept the public constraints of collective responsibility.

1.17 In so far as the record was available or known about within government, the fact that a Minister was known to have carried opposition to a particular decision to such a point could adversely affect the implementation of the decision and, indeed, there must be a considerable risk that the Minister’s dissent would become public on some form or another. (This is a point to be taken into account in considering to what extant views should be attributed to individuals in the record of the discussion preceding the decision. For fuller guidance on attribution see Chapter Two). Moreover, the maintenance of collective responsibility relies heavily on the understanding that all Ministers who have reservations about a particular decision are treated in the same way. The temptation for an ex-Minister subsequently to reveal, perhaps while former colleagues are still in office, that he had dissented from such and such a decision might be very great. This could well pose a considerable strain on the present conventions governing Cabinet decision making - as was well illustrated in the circumstances following the resignation of Mr Michael Heseltine as Secretary of State for Defence in 1986 - and would be likely to encourage other Ministers to seek to protect their positions in a similar way. The recording of dissent on any significant scale would be likely to lead to voting.

1.18 Nevertheless, there have been a very few cases (again see Note 5) where a Minister’s disagreement with a Cabinet decision has been recorded, although the record itself may have been given a particularly restricted distribution. The recording of dissent from a Cabinet Committee decision should never arise as a Minister who is unable to accept the majority view should ask for the matter to be referred to the Cabinet (see Chapter Three, paragraph 3.57).
Breaches

1.19 Breaches of collective responsibility occur from time to time through inadvertance or carelessness. How seriously such breaches should be regarded must depend on the subject and the Minister concerned.

1.20 Cabinets are generally composed of a coalition of political interests within a party and it is therefore not uncommon for the struggle for influence between different sections of a party to be reflected within the Cabinet. Although collective responsibility constrains the members of the Cabinet from participating openly in any party debate attempting to change the direction of government policy the broad outlines of political divisions within the Cabinet generally become known and individual Ministers from time to time seek to influence party debate without overstraining the limits of collective responsibility. The traditional means for doing so is the "coded" speech which indicates reservations over policy without directly contradicting it. But, on occasion, Ministers have gone further and have made clear in public their disagreement with a particular policy or decision without resigning. All such cases must be regarded seriously though whether the Minister should be required to resign will depend on the circumstances of the case. Essentially this is a matter of political judgement for the Prime Minister of the extent to which the credibility of the Government has been impaired and the relative advantages of having the individual within the government or on the backbenches.

1.21 In one case, in October/November 1974, three Ministers voted for a resolution contrary to Government policy at a meeting of the Labour Party National Executive Committee. They did not resign but gave an assurance that they accepted the principle of collective responsibility and that they would henceforward comply with its requirements and the rules which flowed from it. The case of Mr Heseltine, then Secretary of State for Defence, and the Westland affair is
instructive. Mr Heseltine’s public advocacy of a European takeover of Westland in December 1985 at a time when the Cabinet had agreed that the Government should express no preference between competing bids involved a direct breach of collective responsibility. Although Mr Heseltine was not required to resign, the Cabinet eventually decided at their meeting on 9 January 1986 to reassert the principle of collective responsibility and that all Ministerial statements on the subject of Westland should be cleared interdepartmentally through the Cabinet Office. Mr Heseltine was unable to accept this constraint and resigned.
NOTES

1. So described in the historical note annexed to a memorandum on the functions of the Cabinet Secretariat (14 September 1944, copy at Appendix to Annex C). This in turn was a precis of the War Cabinet Report for 1917 (Cd 9005, pages 2 and 3).

2. It is, however, the responsibility of the Minister concerned to ensure that decisions are implemented.

3. Ministers sometimes consult the Secretary of the Cabinet direct. On other occasions they consult the Prime Minister who customarily seeks the Secretary of the Cabinet’s advice.

4. The 1977 Edition of Questions of Procedure (retained by Committee Section) contained a note by the FCO Historical Adviser on the development and modifications of the doctrine of collective responsibility from the 19th Century. This is largely of historical interest but has been drawn on for the note on Agreements to Differ at Annex D to this chapter.

5. There have been a number of cases when Ministers have sought to have their dissent recorded and in a very few this has been done. Particular cases of interest are:

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

b. The question was again raised in 1931 (25 November 1931) and the Cabinet (81(31) 6) took the view, put forward by the Prime Minister (Mr McDonald), that the recording of notes of dissent or reservation was contrary to the general principle of Cabinet unity.

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

d. In August 1950 Mr Bevan (Minister of Health) dissented from the views expressed by his colleagues in a Cabinet discussion of the defence programme. The Secretary sent a draft of the minute to Mr Bevan to give him an opportunity of commenting on it. Mr Bevan accepted the draft but said he wished his opposition to the proposal could be recorded. The Secretary, with the concurrence of the Prime Minister, replied that a record of opposition, as opposed to doubts, would imply that the Minister was not prepared to share the Cabinet's collective responsibility for the decision taken. Mr Bevan then wrote: "Surely it is quite normal for members of the Cabinet to have their dissent recorded? The principle of collective Cabinet responsibility is only aroused if a Minister takes overt action in contradistinction to a general Cabinet decision".

e. On 24 October 1950, the Cabinet decided to proceed with a plan to transfer the British Sugar Corporation to public ownership (CM(50) 68th

CONFIDENTIAL  AUGUST 1992
Conclusions, Minute 3). The Minister of Health (Mr Bevan) favoured an alternative plan and asked in Cabinet that his opposition to the Cabinet's decision should be recorded. As no one demurred from this request the Secretary of the Cabinet complied with it. He subsequently drew the attention of the Prime Minister (Mr Attlee) to the constitutional issues involved in the registration in the Cabinet Conclusions of dissent from a Cabinet decision. The Prime Minister held that he had at the meeting emphasised that the Minister of Health must consider himself bound by the Cabinet's decision, despite his disagreement with it; that the Minister had accepted this; and that therefore recording the Minister's dissent did not involve a breach of established constitutional practice.

f. On 5 October 1954, the Lord Privy Seal's (Mr Crookshank) request that his dissent in principle to the proposal to develop Scampton airfield should be recorded was met (CC(54) 63rd Conclusions, Minute 6).

g. After a Cabinet discussion about the Aid Programme on 20 July 1965, the Chancellor of the Exchequer (Mr Callaghan) said that he wished his dissent from the Conclusions to be recorded. On the Prime Minister's advice that the matter should be dealt with by minute rather than in the formal record of discussion, he and the First Secretary of State (Mr Brown) subsequently sent a joint minute their "formal dissent from the decision". In his reply to the Chancellor the Prime Minister wrote that the decision was a formal collective one and he assumed that there was no question of the Chancellor wishing to dissociate himself from it. File 4/1/6E, part 2.

h. On 21 January 1975 (CC(75) 4th Conclusions) the Cabinet agreed that in the unique circumstances of the referendum on membership of the European Economic Community members of the Cabinet should be entitled to differ from the Conclusions of the Cabinet. And when the Cabinet agreed its
recommendations on 18 March 1975. (CC(75) 14th Conclusions) seven members did record their dissent. Another instance of an "agreement to differ".
THE CABINET AND CABINET OFFICE
INTRODUCTORY BIBLIOGRAPHY

This bibliography is not intended to cover the subject in depth but simply to indicate a limited number of publicly available sources which provide an introduction to the Cabinet and Cabinet Office which may be useful, for example, in dealing with requests for information from outside the government. The quality of the work is somewhat variable (although some subjective comments are included) but they are definitely not to be regarded as "authorities" within Government. A much fuller and more academic (if slightly dated) list was included in the 1977 edition of the Precedent Book and is available from Committee Section.

1. General Introductory Works


2. The Cabinet System

a. Sir Ivor Jennings, Cabinet Government (3rd edition, Cambridge University Press 1959). The 3rd is the most useful edition of this work, which was first published in 1936. (Both the 2nd and 3rd editions take account of the Second World War.) The book is however mainly a guide to the Cabinet system up to 1914, although there are useful sections covering the inter-war years. The opening of the Cabinet papers under the Public Records Acts of 1958 and 1967 unfortunately “date” the work perceptibly it is often spoken of as if it were an authoritative guide to the present day.

b. John P Mackintosh, The British Cabinet (Stevens & Sons, 2nd edition 1968; paperback, Methuen 1968). A standard work, albeit essentially a historical study which becomes somewhat diffuse in its final (6th) part on “The Cabinet in Modern Conditions”.

c. Walter Bagehot, The English Constitution (with an introduction by R H S Crossman) (Fortuna paperback 1963). Bagehot’s analysis of the Victorian constitutional system just after the passing of the Second Reform Act remains the starting point for much constitutional discussion. Although Bagehot did not foresee the full effect of popular democracy it still contains many quotable quotes. The 1960s introduction -by Crossman is an interesting, if polemical, discussion of the role of the Prime Minister vis-a-vis the Cabinet.

d. Valentine Herman and James E Alt, editors, Cabinet Studies - A Reader (Macmillan 1975). Consists of reprints of essays by Roy Jenkins, George Brown, Lord Butler and Lord Thornycroft and some original pieces by academics on how the British Cabinet works. The book is
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critically reviewed by Lord Trend in The Times Literary Supplement of 7 November 1975 and by Terry Pitt in the Spectator 9 August 1975.


3. The Cabinet Since World War II


b. Richard Crossman, The Diaries of a Cabinet Minister. (Three Volumes, Hamish Hamilton & Cape 1975, 1976, 1977; condensed version 1979; Methuen paperback 1979). A controversial and highly subjective work which defies all the conventions of Ministerial reticence. Well worth a read, provided that it is not taken entirely at face value.


e. Barbara Castle, The Castle Diaries (Two Volumes: 1964-70 and 1974-76; Weidenfeld 1984 and 1980). Another insider’s view of the Cabinet, again very subjective. Interesting to compare with the Crossman account of the same period. Even the “facts” are not always the same.
4. The Cabinet Office


CABINET PROCEDURE

Development of 'Notes on Procedure'

Since 1919, when it was decided that the Cabinet Secretariat should continue on a permanent basis, the basic instructions given to the Secretary of the Cabinet by successive administrations for the conduct of Cabinet business and the handling of its documents have been largely the same. Over the years, this has, of course, been extended to take account of the development of the Cabinet system and it has been necessary to issue guidance on a wide variety of detailed procedural and other matters. This has been increasingly codified and advice on both Cabinet procedure and other aspects of Ministerial behaviour is now brought together in a memorandum issued by successive Prime Ministers and circulated to all Ministers on joining the Government: Questions of Procedure for Ministers.

Cabinet Procedure 1919-1945

2. The brief instructions to the Secretary approved at the first meeting of Mr Lloyd George's Coalition Cabinet on 4 November 1919 (Cab 1 (19) 3) set the pattern for all subsequent instructions. They dealt, in few sentences, with the form and circulation of Cabinet Minutes, the circulation of Cabinet papers and secretarial arrangements for committees and conferences. These simple instructions had their foundation in the practice adopted by the War Cabinet on 1916-1919.

3. On successive changes of Government it was the practice for the Secretary to circulate to the Cabinet a copy of the instructions he had received from the previous Government and to ask what procedure he was to adopt. In the early years this was accompanied by a memorandum describing the work of the Cabinet
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Secretariat and sometimes by notes on the work of Cabinet Committees under the previous Administration. Once Cabinet approval was obtained, the new instructions were circulated for general guidance, usually in the form of an annex to the Cabinet Conclusions. Since 1931 procedural notes of this kind have been issued on the authority of the Prime Minister and have not been formally submitted to the Cabinet for approval.

4. Throughout the period from 1919 to 1945 the circulated notes were entirely confined to matters of Cabinet and Cabinet Committee procedure. Guidance to Ministers on questions of propriety or general Ministerial conduct (eg speeches) was for the most part embodied in the Cabinet Conclusions or dealt with in circular minutes from the Prime Minister to Ministers; only rarely were matters of this kind dealt with in circulated notes or memoranda. A Treasury circular of 1924 laid down that memoranda and draft bills were to be submitted to the Cabinet only after their subject-matters had been fully examined between the Departments concerned, the Treasury and the Law Officers if contentious Bills were involved and that no papers for decision would be included on the agenda until at least five days after their circulation. A note on Cabinet procedure issued in May 1943 included a new section on the submission of business. These notes embody, where appropriate, the pre-war “Instructions to the Secretary”, but their content was largely new and they have been used as the basis of all subsequent notes of the kind.

1945-1946

5. In August 1945, the Prime Minister (Mr Attlee) approved the issue of two sets of procedural notes. The first set (CP(45) 99) reproduced with necessary changes the notes on War Cabinet procedure of May 1943. The second (CP(45) 100) brought together everything considered to be of permanent value in the miscellaneous procedural notes circulated during the war. These notes were followed in December 1945 by a general directive on Cabinet and Cabinet Committee
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procedure (CP(45) 306), outlining the principles to be followed in the presentation of business to the Cabinet and its Committees. A consolidated version of (CP(45) 99, 100 and 306) (embodying points made in several other procedural notes which had since been issued) was circulated by the Prime Minister in May 1946 (CP(46) 199).

Since 1946

6. Since 1946, new consolidated statements have generally been issued on a change of Prime Minister (though not in 1955 or 1957), and during the course of Administrations when the volume of revision has made it necessary or when it has seemed appropriate to remind Ministers of the guidance. However, all the subsequent versions have been recognisable descended from the 1946 version. Other procedure memoranda on particular problems have also been issued from time to time. Originally all procedure memoranda were issued as papers of the Cabinet but in 1951 a separate series of Cabinet procedure papers was introduced - C(P) or C(PR). In 1973 the rules governing travel by Ministers were consolidated into a separate memoranda.

7. Copies of the principal procedure memoranda since 1916 are held by the Committee Section although, except for the most recent, these are largely of historical value as they are either no longer appropriate or will have been incorporated into Questions of Procedure for Ministers.

8. In recent years, supplementary guidance on amendments to points of detail between major revisions of Questions of Procedure for Ministers has also been issued in the form of Private Secretary letters from the Private Secretary to the Secretary of the Cabinet or, occasionally, the Principal Private Secretary to the Prime Minister.

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AUGUST 1992
9. In 1992, following a manifesto commitment, Questions of Procedure for Ministers was published for the first time. Before publication it was restructured, although very little of the content was changed. Only guidance relating to security matters was excluded, to form a separate, unpublished memorandum of guidance.
COLLECTIVE RESPONSIBILITY: AGREEMENT TO DIFFER

There have been two occasions in which, effectively, the Cabinet has modified the doctrine of collective responsibility by reaching an “Agreement to Differ” on a particular issue even though the Cabinet had in fact reached a clear collective view. The circumstances in each case were unusual and the agreement to differ set out clearly the extent to which the normal constraints of collective responsibility had been modified. The first occasion was in 1932 when the National Government, formed specifically to deal with the economic crisis, agreed to differ on tariff reform. The second was the 1975 Labour Government’s agreement to differ during the referendum on Britain’s continued membership of the European Community.

Tariff Reform 1932

2. The “Agreement to Differ” of 1932 was reached in the context of a National Government formed for “the single purpose of overcoming the financial crisis” of 1931. In a broadcast on 25 August 1931 Mr Ramsay MacDonald, the Prime Minister, had explained that it was “not a Coalition Government.... It is a Government of individuals formed to do this work”. A deadline on tariffs between Conservative and Liberal members of the Cabinet was resolved for the General Election of 27 October 1931 by leaving it as an open question. At the election Mr MacDonald obtained “a doctor’s mandate” for the National Government.

3. In January 1932 the question of the tariff became acute. A statement was issued from 10 Downing Street on 22 January that the Cabinet had “determined that some modification of usual Ministerial practice is required, and has decided that Ministers who find themselves unable to support the conclusions arrived at by the
CONFIDENTIAL

majority of their colleagues on the subject of import duties and cognate matters are to be at liberty to express their views by speech and vote”. The Free Trade members of the Government took full advantage of this liberty. They spoke and voted not only against the Import Duties Bill itself but also against other measures involving the tariff issue, such as certain clauses of the 1932 Finance Bill. The question was not however left open and the Whips were put on it support of the majority decision.

4. It does not appear that members of the National Government voted against the Government on any issue involving the question of protection on which they had specifically agreed to differ. And, when they found it impossible to support the agreement on imperial trade reached at the Ottawa Conference, the Free Trade Ministers resigned after a Cabinet meeting on 28 September 1932. Their resignation was not precipitated by a vote in the House of Commons, which was in recess from 13 July until 18 October.

5. Members of the National Government justified their deviation from collective responsibility by referring to the unusual circumstances in which it had taken place. Mr Baldwin said in a Commons debate on 8 February 1932: “Is our action constitutional? Who can say what is constitutional in the conduct of a National Government? It is a precedent, an experiment, a new practice to meet a new emergency, and we have collective responsibility for the departure from collective action” (H of C 5th Series vol 261 col 353). On 10 February 1932 Lord Hailsham, who had suggested the Agreement to Differ, justified it as “an exception to a very sound constitutional principle which can only be justified by exceptional circumstances”. (H of L 5th Series vol 83 col 552). Here Sir Ivor Jennings has commented (op cit p 288): “The agreement to differ of 1932 necessarily involved a decision to allow Ministers to express different views, but the liberty thus accorded was exercised discreetly, so as not to threaten the stability of the Government. In normal conditions controversies between Ministers in the House of Commons -

CONFIDENTIAL

AUGUST 1992
CONFIDENTIAL

except when a free vote was allowed—would be so obviously an infringement of the principle of collective responsibility that it is extremely unlikely that it would happen”.

European Community Membership 1975

6. The Labour Party’s position towards the European Community, prior to coming into power in March 1974, was that the Party was committed both to the renegotiation of the terms of membership of the European Community, and also to the consultation of the British people if renegotiation proved to be successful. Renegotiation began in April 1974. A further General Election was held in October 1974; and the Labour Government pledged themselves specifically to giving the British people the final say - within 12 months of that Election - though the ballot box, on whether “we accept the terms [of renegotiation] and stay in or reject the terms and come out”.

7. In December 1974, it became apparent to the Cabinet that there was a prospect that renegotiation would lead to terms that some members of the Cabinet would find acceptable and others would not; and also that the timescale of the commitment to consult the British people would necessitate the conclusion of renegotiation by not later than the spring of 1975. At the Cabinet meeting on 21 January 1975 it was decided that the final decision should be by way of a national referendum, that the Government would have to decide on a recommendation to the British people by the end of March and if at the point a minority of the Cabinet were unable to agree with the majority decision on the recommendation, the minority would be free to advocate a different view during the referendum campaign, subject to agreed guidelines. Ministers were not, however, permitted to express views in public on the recommendation before a Cabinet decision was taken and the Agreement to Differ came into operation. The decision to have an Agreement to Differ was announced by the Prime Minister on 23 January 1975; the Agreement came into
operation immediately after the announcement of the Government recommendation on 18 March; and it ceased to operate when the polls closed on 5 June. The referendum result was known on 6 June: none of the dissenting Ministers resigned and the collective responsibility of the Cabinet was fully restored.

8. The main considerations leading to the decision to have an Agreement to Differ were:

a. even while renegotiation was in progress, it was evident that - whatever the outcome of renegotiation - some members of the Cabinet would be unable to agree to the decision which the Government reached;

b. it was also evident that the Government’s verdict on renegotiation, whatever it was, might be set aside by “the final say” of the British people;

c. in those circumstances the alternative to any resignations at the stage of the Government’s decision on renegotiation could be an Agreement to Differ, justified by the unique character of the European Community issue and the commitment to consult the British people through the ballot box;

d. if the solidarity of the Cabinet was to be maintained during the remaining period of renegotiation - a necessary basis for the Foreign and Commonwealth Secretary’s task - it might be essential to decide and announce straight away that an arrangement for an Agreement to Differ would be introduced in the event of the Cabinet being unable to agree on the renegotiation verdict.

9. Detailed guidelines for the operation of the Agreement to Differ were circulated in a Cabinet Procedure Memorandum C(P)(75)1. The purpose of the Agreement to Differ was to enable Ministers who differed from the Government’s

CONFIDENTIAL

AUGUST 1992
CONFIDENTIAL

recommendation to be free to speak against it in the referendum campaign in the
country. It was not thought right that Ministers should express views contrary to
the Government's recommendation in the debates in Parliament or on visits abroad.
All Ministers - whether supporting the Government recommendation or not - were
required to make their contributions to the national debate strictly in terms of issues
rather than personalities. The main points of detail in the guidelines were:

a. Ministers should not reply or attack any statement by another Minister,
even in unattributable briefing, and any direct confrontation between
Ministers on the same platform or radio or television programme should be
avoided;

b. in dealing with regular Parliamentary business dissenting Ministers should
exercise restraint and good sense and not take the opportunity to make
points against the Government's recommendation;

c. all Ministers should ensure that instructions sent to the United Kingdom
Permanent Representative and briefing for officials going to Brussels were
in line with Government policy;

d. civil servants, other than Special Advisers, should not be asked to provide
briefing or draft speeches contrary to the Government's recommendation.

A free vote was, however, permitted when the Government's recommendation was
put to the House for approval.

European Assembly Elections Bill 1977
10. This was not an Agreement to Differ in the full sense but merely a decision to
allow Ministers a free vote on the Bill. Ministers were not allowed to speak against
the Bill either in the House or in the country.

Points to Note

11. While the circumstances justifying the decisions of 1932 and 1975 were both
exceptional, they were also different. The guidelines or conditions governing the
Agreements to Differ were consequently different. The most significant difference
concerned the restrictions placed on the expression of dissent. The dissenting
Ministers of 1932 were permitted to express their dissenting view not only by vote,
but also by speech, in the House of Commons; at the same time, the then Cabinet
was of the view that those Ministers should not carry their opposition “to the point
of conducting a campaign against the [majority’s] proposals”. In 1975, on the
other hand, dissenting Ministers did not have freedom to express their view by
speech, as well as by vote, in Parliament; but they were able to conduct a campaign
against the Government’s proposals during the period leading up to the
referendum.

12. Although the circumstances of any future agreement are likely to be different
again, certain features of the 1975 situation stand out:

a. The Agreement to Differ on the single issue of European Community
membership was an essential arrangement for maintaining:

i. the collective responsibility of the Cabinet unimpaired until the
renegotiation of the terms of Community membership had been
completed;
CONFIDENTIAL

ii. collective support (except in the voting lobby) for Government policy on the European Community in Parliament, Whitehall, and abroad during the referendum campaign (see c. below);

iii. the unity of the Government in the whole policy area outside the European Community field in the final stages of renegotiation and during the referendum campaign.

b. The political and constitutional objections to such an arrangement were recognised; and it was stated in Parliament and in the guidelines that it was justified only because of the unique circumstances of the referendum.

c. There were two essential features of the guidelines which limited the potential damage of the Agreement to Differ:

i. The dissenting Ministers were required to ensure that, in the normal course of ongoing business, Government policy in relation to the European Community should be followed; a clear distinction was drawn between freedom to argue against the Government’s position in the referendum campaign in the country and the need to avoid frustrating the Government’s European Community policies in Whitehall and Westminster (outside the voting lobby). This guideline effectively prevented civil servants from being placed in a difficulty by the dissent of some Ministers.

ii. All Ministers were required to behave in as “comradely” a fashion as possible in the referendum campaign in the country thus minimising the difficulties of closing the ranks of the Cabinet after the referendum result.

CONFIDENTIAL  
AUGUST 1992
d. Notwithstanding the above, the Agreement to Differ - even though judged to be essential and justified for its purpose - could only have been effective within the limited timescale imposed by the referendum campaign. Throughout that period the Cabinet had in mind the resumption of full collective responsibility and solidarity as soon as the referendum result was known - even though, at that stage, some of its members might have resigned. (In 1932 the dissenting Ministers resigned from the Government before the end of the year.)

13. To sum up, the Agreement to Differ of 1975 served its purpose, and with the least possible lasting damage to the unity of the Government, principally because its exceptional character derived from the referendum was recognised; because the referendum campaign both limited the timescale and circumscribed the area of freedom to differ; and because clear guidelines relating to the referendum campaign itself, and to the support of the Government's European Community policies in Westminster, Whitehall, and abroad were generally respected.
GUIDANCE DOCUMENTS FOR THE CABINET SECRETARIAT

This annex contains:

a. **Dos and Don’ts of Chairmanship.** The text of a note originally prepared by Sir John Hunt as Cabinet Secretary in 1977 and subsequently reissued by Sir Robert Armstrong in 1980 as CS(80)2.

b. **Format of Briefs.** Extracts from CS(75)2, a minute by Sir John Hunt giving guidance to Committee secretaries on the format for briefs for the then Prime Minister, Mr Wilson. To some extent this reflects Mr Wilson’s particular wishes but the essential points remain valid.

**a. Dos and Don’ts of Chairmanship**

1. The Chairman is the only person who cannot read his brief or the papers as he goes along. Homework is essential, and should include any necessary discussions in advance on points of difficulty. It is also often worth discussing with the Secretary the order of the agenda and the amount of time likely to be needed to despatch the business of the meeting (too many meetings use all the time provided).

2. Sort your papers out carefully in front of you before you start the meeting (agenda, papers for each item, etc). It is important to keep your eyes on the speaker and the meeting virtually the whole time. A Chairman hunting among his papers or whispering to the Secretary is very off-putting to the main speakers.

3. Be clear what you want to get out of each item (eg a second reading discussion, a firm decision or the initiative of action by Departments): and consider whether or
not to disclose this at the start. There may be timing constraints (eg the need for Ministers to reach a decision by a certain date) which the Committee should take into account.

4. If the subject matter is complicated, it is often worth saying how you propose to handle it (eg splitting up the discussion into its component parts: or elucidating factual points first: or letting everyone give a general view first: or simply slogging through a paper paragraph by paragraph).

5. It is usually a bad ploy to say “Who wants to go first”. Be clear about who you think should lead off and indicate this. Occasionally it may be desirable to have a prior word with the person introducing a paper to tell him how you want to handle a matter: or you may want to prompt someone to come in second. But don’t make a practice of trying to “square” a lot of people before the Committee meets. The news will soon get round and your impartiality as a Chairman compromised.

6. Always keep an eye on the clock and remind the Committee when they have fallen behind. Also keep a close eye on the “professional” Committee member who argues over every comma and wastes time. Equally don’t fight for each comma yourself.

7. Always remind in control of the meeting. This does not mean hogging the discussion yourself or being dictatorial. A joke is often effective: a cutting remark almost never. But do not be afraid to deal briskly and firmly with red herrings and trivia. Never just let things ramble (unless you have decided that the Committee cannot and should not reach a decision two subjects at the same time. Don’t let people reopen closed issues or retrace ground already covered unless you are satisfied that some new point has emerged which really makes a difference. If the meeting is getting sluggish, a positive steer from the chair can put new life into the discussion.
8. Don’t be afraid to ask the member who has just spoken to clear up a point which their exposition has left ambiguous. Or if someone has made a long and disjointed intervention, say quite shortly what you understand to be his main point.

9. Treat people fairly. Don’t let one person monopolise the discussion: and draw in the member who has something to contribute but is bad at getting in on a discussion. Make allowances for the individual who is new to the game, or very junior and thus green or overawed.

10. Be clear whether the desirable object is to reach as agreed view or to identify the range of options. Don’t paper over cracks that cannot be mended: or spend too long in trying to find compromises between irreconcilable differences. The job of Official Committees is to reach agreement if possible but otherwise to bring out the differences to Ministers. Obscuration of genuine differences helps no-one. On the other hand look for signs that someone who has been pressing a minority view is ready to change his or her mind: and help them off the hook.

11. It is usually a bad thing to show your own hand too early. You will be thought to be biased: and in any case you may think differently when you have heard the discussion. There are, of course, exceptions to this general rule - for example, when a Committee is clearing a draft report prepared by the Secretariat in the light of discussion and the Chairman wants to push things along.

12. On the other hand the Chairman is much more than a ring-holder. He should try to help the Committee to reach agreement. Timing is however crucial. If you have a compromise up your sleeve it is often best not to produce it too early. You want to spot the psychological moment when everyone will grab it eagerly.
CONFIDENTIAL

13. If you have also to represent a particular point of view or speak to a paper, try to make clear when you are doing this and when you are speaking as Chairman.

14. If things get sticky remember there are different ways of taking the heat out of an argument: eg.

   a. Introducing a new factor into the discussion.

   b. Asking for the views of someone who is not already involved in the argument.

   c. A light-hearted remark.

Any of these is better than appealing for moderation.

15. Don’t count heads over-slavishly: on any subjects some Departments will have a greater interest than others and their views will carry greater weight. On the other hand make sure that anyone with a legitimate interest who has not declared himself does so.

16. Remember that collective responsibility does not apply to Cabinet Official Committees. Officials represent their Ministers, may be mandated and must be free to reserve their position. On the other hand no official is justified in refusing to produce factual information for which there is a legitimate need because this might prejudice his Minister’s case. Nor is he free to dictate the timing or method of the presentation of the issues to Ministers, these decisions resting, in the last resort, with the Chairman. Occasionally, if there is insufficient agreement about the presentation of the arguments or options it may be necessary for the Chairman to circulate a paper under his own name to Ministers setting out the options as fairly as he can.
17. Never commission further work simply to avoid having to admit that the Committee needs more time before it can come to a conclusion. It is much better to say "That is as far as we can take it today".

18. If a Committee is drafting a report remember it will be ready by Ministers who were not present at the discussions, may be unfamiliar with the subject matter and are busy people. Keep the report clear, concise and self-contained, and do not overload it with a lot of back references. Often officials will have to spend a lot of time to resolve some factual point, but once resolved the point can usually be stated simply without all the supporting argument. But see that points of genuine difficulty are brought into the open - not swept under the carpet by tacit consent. Bring out the options and state clearly the decisions needed. If the report is necessarily a long one it will often help to put the conclusions (and possibly a summary) at the beginning.

19. Sum up clearly and fairly. In many ways this is your most important job. People need to know what they are being asked to assent to and what they are expected to do next. Try to get it right first time: there is nothing worse than when the summing up does not close the meeting but produces a further round of argument. You have to judge the sense of the meeting and out it fairly. This may mean taking the Committee a little further than they realised they had reached: but only if you judge the discussion warrants this. Ensure that any decisions on further action are precisely formulated and that Departments responsible know exactly what they are required to do and within what timescale.

20. Finish by thanking the Committee if they have had to work hard and long.
b. Format of Briefs (Extracts from CS(75)2)

... We have moved away from the conventional and rather discursive type of brief which comments and raises questions in a Socratic way and aimed at something tauter and more specific. We have also experimented with layout in order to make our briefs easier to read - both in the overnight box and perhaps more particularly during the progress of the meeting itself.

The test of a good brief is not whether the author is proud of it but whether ex post facto it has clearly been of use to the Prime Minister ... I should like to emphasise the following points:

a. There is no question of trying to force people into a briefing straightjacket; [considerable variety] is available within a single pattern.

b. However the three essential elements are a background note; a passage on handling, which should include any specific questions that the Prime Minister should put; and a judgement on the conclusions the meeting might reach. On occasions it may be worth adding a separate paragraph on the main issues, and briefs on particularly complicated subjects may need other sections eg on timing or Parliamentary aspects.

c. Discreet use of underlining can be very helpful; but it is not good simply underlining every two or three sentences. The purpose of underlining is to catch the Prime Minister's eye at key points and to emphasise those aspects he must take in even if exceptionally he has time only to glance at the brief during the meeting.

d. The Prime Minister likes clarity. Don't be afraid of saying plainly what you mean even if it appears critical of the paper.
Our briefs are inevitably mainly handling briefs: hence the important of the passage on handling. This doesn’t mean however that we take no interest in the policy, subject to one point. It is right for us to bring out and comment on policy matters: but the Cabinet Office should not be though to develop a policy of its own on particular issues...
## CHAPTER TWO

### THE CABINET

<table>
<thead>
<tr>
<th>Scope of Business</th>
<th>Paragraph</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matters not discussed by Cabinet</td>
<td>2.2</td>
<td>1</td>
</tr>
<tr>
<td>Routine (&quot;Stock&quot;) Items</td>
<td>2.5</td>
<td>2</td>
</tr>
<tr>
<td>Parliamentary Affairs</td>
<td>2.7</td>
<td>4</td>
</tr>
<tr>
<td>Home Affairs</td>
<td>2.10</td>
<td>5</td>
</tr>
<tr>
<td>Foreign and Community Affairs</td>
<td>2.11</td>
<td>5</td>
</tr>
<tr>
<td>Other Stock Items</td>
<td>2.13</td>
<td>6</td>
</tr>
<tr>
<td>Government Statements, White Papers Etc</td>
<td>2.18</td>
<td>7</td>
</tr>
<tr>
<td>&quot;Take Note&quot; Items</td>
<td>2.19</td>
<td>8</td>
</tr>
<tr>
<td>Submission of Business</td>
<td>2.20</td>
<td>8</td>
</tr>
<tr>
<td>Notice of Business and Circulation of Papers</td>
<td>2.21</td>
<td>8</td>
</tr>
<tr>
<td>Prior Interdepartmental Consultation</td>
<td>2.22</td>
<td>9</td>
</tr>
<tr>
<td>Prior Submission to Prime Minister</td>
<td>2.27</td>
<td>12</td>
</tr>
<tr>
<td>Business Cycle</td>
<td>2.29</td>
<td>13</td>
</tr>
<tr>
<td>Memoranda</td>
<td>2.31</td>
<td>14</td>
</tr>
<tr>
<td>Presentations</td>
<td>2.34</td>
<td>16</td>
</tr>
<tr>
<td>Meetings</td>
<td>2.36</td>
<td>16</td>
</tr>
<tr>
<td>Frequency</td>
<td>2.36</td>
<td>16</td>
</tr>
<tr>
<td>Meetings in Holiday Periods</td>
<td>2.38</td>
<td>17</td>
</tr>
<tr>
<td>Taking the Chair</td>
<td>2.39</td>
<td>17</td>
</tr>
<tr>
<td>Seating Arrangements</td>
<td>2.40</td>
<td>18</td>
</tr>
<tr>
<td>Venue</td>
<td>2.41</td>
<td>18</td>
</tr>
<tr>
<td>Messages</td>
<td>2.42</td>
<td>18</td>
</tr>
<tr>
<td>Attendance</td>
<td>2.43</td>
<td>19</td>
</tr>
<tr>
<td>Members of the Cabinet</td>
<td>2.44</td>
<td>19</td>
</tr>
</tbody>
</table>

AUGUST 1992
CONFIDENTIAL

Other Ministers

Ministers in Charge of Departments, Law Officers, Chief Secretary, Treasury

‘Constant Attendees’

Subordinate Ministers

FCO and Treasury

Ministers in House of Lords

‘Jumbo’ Departments

Committee Chairmen

Other Attendance

Crown Servants

Chiefs of Staff

FCO and Treasury

Other Officials

Outsiders

Commonwealth Representatives

The Secretariat

Unavoidable Absences

Cabinet Conclusions

Decisions and Dissent

Implementation of Conclusions

Outstanding Conclusions

Confidentiality of Proceedings

Press Briefing

Leaks

Authorised Disclosure

Cabinet Reports

Announcement of Decisions

Cabinet Photographs

Cabinets Presents Etc

AUGUST 1992
Inner Cabinets

Annex A - Notes and Files
Annex B - Budget Cabinets
Annex C - Cabinet Meeting Statistics
Annex D - Cabinet Seating Plans
CHAPTER TWO

THE CABINET

(References are to Notes in Annex A)

2.1 The Cabinet has no statutory functions but, consisting of the leading members of the Government, it is collectively responsible for Government policy. (For a fuller exposition of the Cabinet system and the doctrine of collective responsibility see Chapter One and for information on the size and membership of the Cabinet see Chapter Five.)

SCOPE OF BUSINESS

2.2 The Cabinet has no terms of reference. The Haldane Committee on the Machinery of Government (Cmd 9230 of 1918) described its main functions as:

a. the final determination of the policy to be submitted to Parliament;

b. the supreme control of the national executive in accordance with the policy prescribed by Parliament; and

c. the continuous co-ordination and delimitation of the authority of the several Departments of State.

2.3 In practice, business requiring collective discussion and agreement consists, in the main, of:
CONFIDENTIAL

i. Questions which significantly engage the collective responsibility of the Government, either because they raise major issues of policy or because they are likely to occasion public comment or criticism.

ii. Questions on which there is an unresolved conflict of interest between Departments.

Matters which fall wholly within the Departmental responsibility of a single Minister and do not significantly engage the collective responsibility of the Government need not be considered within the Cabinet and Committee system unless the Minister wishes to have the advice of colleagues. Ministers must, however, be sure that they can command the support of their colleagues in new policies or in major modifications of existing policies and in borderline cases a Minister is therefore well-advised to bring the matter forward for collective discussion. All questions involving more than one Department should be examined interdepartmentally, before submission to the Cabinet, so that the decisions required are clearly defined. When there is a conflict of interest between Departments, it should not be referred to the Cabinet until all other means of resolving it have been exhausted, including personal correspondence or discussion between the Ministers concerned.

2.4 Nevertheless, every member of the Cabinet has the right to submit to the Cabinet memoranda setting out his or her views on general issues of policy.

Matters not discussed by Cabinet

2.5 There are a number of subjects which are not regarded as appropriate for collective decision and which are normally therefore either not discussed by Cabinet at all or only in a limited manner. These are:

CONFIDENTIAL

AUGUST 1992
CONFIDENTIAL

i. The Prerogative of Mercy - the Home Secretary's responsibility for advising the Sovereign is a purely personal one. There have, however, been cases when the political considerations have been discussed in Cabinet as a preliminary to the Home Secretary reaching his own decision.

ii. Prosecutions - It is the personal responsibility of the Attorney General to decide whether a public prosecution should be instituted and it is important that there should be no suspicion that the judgement was influenced by political considerations.¹ Where prosecutions raise questions of public policy it is, however, legitimate for the Attorney General to ascertain the views of Cabinet on whether the institution of proceedings would be contrary to the public interest, before reaching his own decision. During 1978-79 the Cabinet considered on several occasions the Bingham report on breaches of oil sanctions policy to determine whether a further Inquiry was necessary but also recommended that the report should be referred to the Director of Public Prosecutions to consider whether prosecutions should be brought against any of the companies concerned.² It is worth nothing that in 1924 the withdrawal, after Cabinet intervention, of a prosecution instituted by the Attorney General led directly to the defeat of the government and recent cases have confirmed that allegations that decisions have been affected by political motives remind very serious and, if proven, would be highly damaging to a Government.³

iii. Appointments - Appointments are usually made by the decision of the Prime Minister⁴ or of the Minister having the power to make the appointment in question. A fuller description of the procedures involved is contained in Chapter Nine. While Ministers may wish to seek advice from colleagues on personalities or related political issues this is likely to be on an informal or restricted basis rather than involve the full Cabinet. The
CONFIDENTIAL

Cabinet may, however, be informed in advance, as a matter of courtesy; of particularly important appointments.

iv. The Budget - The Chancellor of the Exchequer traditionally explains his Budget proposals to the Cabinet orally very shortly before he announces them to the House of Commons (in recent years this has usually been at a special Cabinet on the morning of the Budget speech). Although the importance of secrecy about the detailed proposals is well understood there has often been criticism (both by other Ministers and more generally) of the lack of collective discussion of this most important policy announcement. This has led to the institution of a number of discussions of broad economic policy and of particular issues related to the Budget in Cabinet and Cabinet Committees in order to provide an agreed economic policy background against which the Chancellor can draw up his detailed proposals.

2.6 There are two other areas where Cabinet (and Cabinet Committees) might express views to be taken into account in reaching a decision without seeking to impose a conclusion. The first is the detailed establishment, composition and terms of reference of Committees which are really an area of Prime Ministerial prerogative (see Chapter 3). The second is decisions of a quasi-judicial nature (eg planning decisions) where, in law, the power of decision lies with a specific Minister.5

Routine ("Stock") Items

2.7 Parliamentary Affairs. When Parliament is in session ‘Parliamentary Affairs’ (formerly ‘Parliament’ or ‘Parliamentary Business’) is regularly taken, as a first item, at the Thursday meeting of the Cabinet.6 At the last regular meeting of the Cabinet before a Parliamentary recess it is usual to take the Parliamentary business for the first week after the recess. On occasion, if the Cabinet is not meeting on Thursday, ‘Parliamentary Affairs’ has been taken earlier in the week but this has

CONFIDENTIAL

AUGUST 1992
often been unsatisfactory with changes having to be made subsequently. When Parliament is in recess, the Cabinet may, in place of Parliamentary Affairs, review progress on the Legislative Programme, on the basis of an oral report from the Leader of the House of Commons.

2.8 The Cabinet are informed of the business in the House of Commons in the following week, of the Whipping and any proposed statements. Business in the House of Lords is also discussed when matters of controversy arise or when this assumes particular political significance - for example, in 1984/85 the progress of the Bill to abolish the GLC and Metropolitan Counties was a frequent subject of discussion. The Captain of the Gentlemen at Arms (ie the Lords Chief Whip) may be invited to attend if Lords business is under discussion. Other Parliamentary or political matters are often raised under this item.

2.9 Until October 1947 it was customary to record details of even routine business in the Cabinet minutes. This was briefly superseded by a separate note circulated by the Secretary of the Cabinet, each Thursday afternoon, showing the House of Commons programme for the following week but the practice was discontinued in 1948 and Ministers now only received (from the Government Whips' Office) copies of the Whip. Parliamentary business is now usually recorded in the Cabinet Conclusions in the following terms: “The Cabinet were informed of the business to be taken in the House of Commons in the following week”. Any significant points arising are, however also noted in the Cabinet minutes.

2.10 Home Affairs. Although occasional use had previously been made of a “Home Affairs” stock items, this was introduced as a regular feature in September 1986 because of an increasing tendency for Cabinet Ministers to raise miscellaneous subjects which did not readily fall under any other agenda item. The item normally appears second on the agenda.
CONFIDENTIAL

2.11 Foreign and Community Affairs. Much of the day-to-day business of foreign and European Community affairs does not require collective consideration by Cabinet, interdepartmental issues being settled in correspondence or appropriate Cabinet Committee (European Community business is co-ordinated by a special Cabinet Sub-Committee). Ministers are kept informed through the circulation of telegrams by the Foreign and Commonwealth Office and through regular oral reports at Cabinet from the Ministers principally concerned. Major foreign or Community policy matters requiring Cabinet decisions are, however, tabled as separate items.

2.12 A “Foreign Affairs” item is normally placed on the Cabinet agenda after “Home Affairs” (until September 1986 it immediately followed “Parliamentary Affairs”) and provides an opportunity for the Foreign and Commonwealth Secretary to report on the main developments since the previous meeting and for other Ministers to raise matters of concern or interests. This is now generally followed by an item devoted specifically to “Community Affairs”. A “European Community Affairs” item was introduced in 1973 on the United Kingdom’s accession to the Community but between March 1974 and May 1979 Community business was raised under “Foreign Affairs”. Again, the main report is usually from the Foreign and Commonwealth Secretary although other Ministers, most commonly the Minister of Agriculture, Fisheries and Food, may report on EC business within their own fields.

Other “Stock” Items

2.13 From time to time other “stock” items are used on a regular or occasional basis to provide the opportunity for a Cabinet discussion of other subjects when there is no formal proposal to consider.
2.14 Under the 1945-51 Labour Administration, an item entitled “Economic Affairs” was put on the agenda at regular intervals, when the periodical Economic Report submitted by the Chancellor of the Exchequer was discussed. More recently the item had not been used on a regular basis but simply as a convenient peg for a general discussion of the economic position, for a preliminary discussion of an economic subject before detailed proposals are worked out, or for the Chancellor to report on developments in the financial markets or the Secretary of State for Employment to comment on major changes in the unemployment figures.

2.15 Beginning in 1966 an item entitled “Industrial Affairs” has often been put on the Agenda during a major industrial dispute to enable the responsible Minister to report orally on the latest position in respect of negotiations and/or the effect of strikes or other industrial action. During the 1984-85 miners’ strike this item appeared regularly on the agenda for almost a year.

16 “Northern Ireland Affairs” from 1970-74 was used to allow the Home Secretary (and subsequently the Secretary of State for Northern Ireland) to make a weekly report on the situation in the province. During 1985 it was used to enable the Cabinet to receive periodic oral reports on the progress of the very sensitive negotiations with the Irish Republic which led ultimately to the Anglo-Irish Agreement of that year.

2.17 Other stock items such as “Local Government Affairs” have been used on an occasional basis and further items of this sort will no doubt be invented if the need arises.

Government Statements, White Papers etc

2.18 Questions of Procedure for Ministers sets out arrangements for consulting the Cabinet Office about the publication of White and Green Papers (C(PR)(92)3,
paragraph 83). This places the onus on Departments to decide whether or not a draft Command paper requires full collective Ministerial consideration (in a Cabinet Committee); and to decide - according to whether the paper contains 'a major statement of Government policy' - whether or not it needs to be circulated to Cabinet before publication. The office of the Cabinet Secretary stands ready to advise Departments on both points. The annual Statement on the Defence Estimates has, in recent years, been considered by the Cabinet in committee (following earlier considerations in OPD) to permit Cabinet an opportunity annually to discuss defence policy as a whole.

"Take Note" Items

2.19 Until the Second World War the Cabinet agenda might also include a number of documents circulated purely for information. The practice of "taking note" of such documents has, however, ceased.

SUBMISSION OF BUSINESS

2.20 The basic guidance on the submission of business for Cabinet and Cabinet Committee is set out in paragraphs 6-10 of Questions of Procedure for Ministers. This is supplemented by detailed guidance, largely on mechanics in the Cabinet Document Officers Handbook (CSI(91)1), the Cabinet Office Handbook and the Handbook for the Committee Clerk.

Notice of Business and Circulation of Papers

The Secretary should be given at least seven days' notice of any business (including business to be raised orally) which a Minister wishes to bring before the Cabinet or a Cabinet Committee. Memoranda should be circulated in sufficient time to enable Ministers to read and digest them, and to be properly briefed on them. The
objective is that memoranda for Cabinet and Cabinet Ministerial Committees should be circulated at least two full working days and a weekend in advance of the meeting at which they are to be discussed. If decisions are urgently required, and an interval including a weekend is not possible, memoranda should be circulated as long before a meeting as possible, and at least two full working days before they are to be discussed.

Ministers’ Private Secretaries can help the Secretary by indicating which Ministers other than members of the Cabinet are likely to be concerned with a subject, so that arrangements may be made for their attendance (C(PR)(92) 3, paragraphs 6-7).

2.21 The rules regarding notice of business and the circulation of papers are very important to the proper transaction of business, both to ensure a sound basis for decisions and to observe the spirit of collective responsibility. Originally, papers were required to be circulated a minimum of five days prior to the meeting at which they were to be considered. This was reduced to two working days during the Second World War but increased to seven days after the war. This was not honoured, and the 1991 edition of QPM established the present rule. Despite this, it has been impossible to maintain absolutely rigid rules as the pressure of events will sometimes simply not permit postponement - there have been cases of papers being circulated less than an hour before a meeting. The Cabinet Office must, nevertheless, seek to ensure that the rules are only breached when there is genuine operational urgency and, in particular, that delay in preparing papers within Departments does not lead to late circulation and unnecessarily hurried consideration.

Prior Interdepartmental Consultation

Proposals involving expenditure or affecting general financial policy should be discussed with the Treasury before being submitted to the Cabinet or to a Ministerial Committee; and the results of those discussions together with the best possible
CONFIDENTIAL

estimate (or estimates, if the Department's figures cannot be reconciled with the Treasury's) of the costs to the Exchequer, should be indicated in the memorandum. Where proposals affect United Kingdom obligations or interests as members of the European Community this should be clearly explained. If proposals have manpower implications or may give rise to problems of recruitment, these should be clearly stated after consultation (in the case of manpower) with the Treasury. Attention should also be drawn to any accommodation problems. Any legal implications in the paper should be cleared, or at least clarified, with the Law Officers before circulation. Memoranda should also cover any issues on which departments have been advised that there may be a risk of challenge in the courts by means of application for judicial review. The Cabinet Office will not normally accept a memorandum for circulation to the Cabinet or a Cabinet Committee unless these steps have been taken. Papers should where appropriate cover the impact on business, any significant costs or benefits to the environment and the impact of the European Convention on Human Rights. Proposals with value-for-money implications should state what is to be achieved, by when and at what cost. Papers should also cover presentational aspects and, where appropriate, a draft announcement or statement should be attached. Proposals for consideration in Cabinet or a Ministerial Committee should normally be circulated as a Committee paper. If for any reason they are circulated as minutes addressed to the Prime Minister they are subject to the same requirements as circulated papers.

These rules do not limit the right of ministers to submit to the Cabinet memoranda setting out their views on general issues of policy (C(PR)(92)3, paragraphs 8-9).

2.22 The requirement that the financial details of any proposals must be discussed with the Treasury before submission dates from a Cabinet decision of 1920. This has subsequently been amplified to cover both actual expenditure implications and general financial policy and, from 1985, to include a specific requirement that all
proposals with value for money implications should (unless it has been agreed with the Treasury that the circumstances are exceptional) state what is to be achieved, by when, and at what cost, and how this achievement is to be measured.

2.23 The requirement to take account of European Community obligations was first introduced in 1976. Earlier versions of Questions of Procedure also required that where European Community obligations or interests are not affected this should also be made clear - although this is no longer made explicit it remains good practice.

2.24 The requirement to state manpower implications was first introduced in 1947 but lapsed between 1952 and 1967. The Cabinet Office (OPSS) is, of course, also concerned with certain aspects of manpower and recruitment and should also be consulted where appropriate (this is stated explicitly in the latest edition of the Cabinet Documents Officer’s Handbook). The reference to accommodation problems was added in 1974.

2.25 In 1924 it was laid down (Cab 27(24) 4) that the Law Officers should see draft Bills at an early stage and that prior consultation between Departments should always be carried out. In 1929 the Cabinet ruled that draft Bills should not be submitted until after their subject matter had been fully examined between the Department responsible and the Treasury, the Law Officers (where contentious Bills were concerned) and the other Departments interested (Cab 22(29) 1). The present much wider requirement that no memorandum should be circulated to the Cabinet unless any legal implications which it raises have been cleared, or at least clarified, with the Law Officers is based on guidance given by Mr Wilson in 1967 (C(P)(67) 1).
CONFIDENTIAL

2.26 In addition, a certain amount of additional guidance has been issued from time to time on aspects to be covered in memoranda and that which is still ‘alive’ is reflected in C(PR)(92) 3). This includes:

i. Impact on Business. Cabinet Ministers should draw attention to the impact which proposals would have on business in those cases where the questions arose. (Letter of 11 August 1988 from Nigel Wicks to Neil Thornton entitled ‘Deregulation Initiative’).

ii. Policy evaluation. All proposals with value-for-money implications should state what is to be achieved, when by, and at what cost, and how subsequently this achievement is to be measured (unless it has been agreed with the Treasury that the circumstances are exceptional). (Letter consult the Prime Minister, if he thinks it necessary, before circulating a Cabinet memorandum.)

2.28 Until quite recently a Minister who wished to raise a matter orally was required first to seek the consent of the Prime Minister through the Secretary of the Cabinet. Although this is no longer a formal requirement, it is customary for Ministers who wish to raise a subject likely to lead to a substantial discussion to give notice either to the Prime Minister’s Office or to the Cabinet Office (who would in turn inform the Prime Minister).

BUSINESS CYCLE

2.29 Provisional Arrangements - Cabinet (and Cabinet Committee) business is generally organised on the basis of a rolling three week programme. At the end of each week (usually on Thursday afternoons, after Cabinet) the Secretary of the Cabinet chairs a meeting of the Secretariat to discuss future business. Following that meeting, the Secretary of the Cabinet submits proposals to the Prime Minister for business for
the next three weeks. These proposals will either be approved over the weekend, if other engagements permit, discussed and agreed with the Prime Minister at a meeting on Friday. On this basis, a programme of future business giving provisional notice of subjects expected to come up for discussion at Cabinet during the next three weeks is circulated by the Secretary of the Cabinet at the beginning of the following week.\textsuperscript{10}

\textsuperscript{230} Agenda - In theory agenda are settled by the Prime Minister on submission of the Secretary of the Cabinet. In practice discretion is normally given to the Secretary to settle them, subject to points of doubt being referred to the Prime Minister. The agenda show subjects to be discussed at the meeting (with references to relevant memoranda and any earlier discussions) and indicate the Ministers other than members of the Cabinet required to be present at the discussion. The receipt of the agenda is not an invitation to a Cabinet meeting.\textsuperscript{11} Ministers who are not members are invited to Cabinet only for the particular items in which they have an interest and, so far as possible, the agenda is arranged to ensure that invitees are kept waiting for as short a time as possible.\textsuperscript{12}

MEMORANDA

Memoranda for the Cabinet and Committees of the Cabinet should be as clear and as brief as possible, not exceeding two pages. Time spent in making a memorandum short and clear will be saved many times over in reading in discussion; and it is the duty of Ministers to ensure by personal scrutiny that this is done and that, where necessary, memoranda submitted to them are revised accordingly. The modal memorandum explains at the outset what the problem is, indicates briefly the relevant considerations, and concludes with a precise statement of the decisions sought. Paragraphs should be numbered for ease of reference. Detailed analysis and argument, together with supplementary detail, should be dealt with, where necessary, in annexes (C(PR)(92) 3, paragraph 10).
2.31 In general, memoranda may be submitted to the Cabinet only by Cabinet Ministers, the Law Officers, other Ministers in charge of Departments, holders of "sinecure" posts, and the Secretary. This is based on the principle that papers may not be submitted by any Minister who is subordinate to a Cabinet Minister (in practice all Ministers of State and Junior Ministers).  

2.32 There may, however, be exceptional cases where it is appropriate for other Ministers to submit memoranda. Two cases from 1984 are worth noting:

a. C(84) 20, Performance Related Pay, was circulated by Lord Gowrie when Minister of State, Privy Council Office and not a member of the Cabinet. Lord Gowrie discharged on day-to-day basis the responsibilities of the Minister for the Civil Service for the organisation, management and overall efficiency of the Home Civil Service and the only alternative courses would have been for the paper to have been circulated in the Prime Minister's name or as an annex to a note by the Secretary of the Cabinet: neither would have been appropriate.

b. C(84) 31, Tornados for Turkey, was submitted by the Minister of State, Department of Trade and Industry (Mr Channon). The circumstances appear to be unprecedented. As a result of injuries sustained in the bomb explosion at the Grand Hotel, Brighton, the Secretary of State for Trade and Industry was in hospital and unable to carry out his full duties. Mr Tebbit was, however, able to exercise a general supervisory role and no deputy was appointed; Ministers were generally responsible for their own area of work although Mr Channon was senior Minister for representational purposes. In particular, it was decided that Mr Tebbie's place at the Cabinet table should not be filled but that Department of Trade and Industry Ministers should atte3nd as appropriate for particular items of business with
CONFIDENTIAL

a Departmental involvement (ie as if the Secretary of State were absent on duty). In line with these arrangements Mr Channon submitted a paper to OD on the proposed sale of Tornado aircraft to Turkey. As OD was unable to reach agreement the matter was subsequently taken to Cabinet and it was decided that the Department of Trade and Industry paper for Cabinet should be submitted in Mr Channon’s name.

In 1991, the Financial Secretary was asked by the Prime Minister to take personal responsibility for the Citizen’s Charter initiative, and submitted papers, attaching drafts of the White Paper, to Cabinet under his own name (CP(91)11,12 & 13). After some discussion, it was agreed that he reported on this work to the Prime Minister ‘via the Chancellor of the Exchequer’.

2.33 For information on the form, preparation etc of Cabinet agenda and memoranda, see Chapter Four.

PRESENTATIONS

2.34 The device of a factual presentation to the Cabinet to help explain particularly complex proposals and to provide a better basis for informed discussion - particularly for Ministers who may have not been involved in any preliminary discussions in Committee - appears to be a new innovation.

2.35 During 1984-85 the Secretary of State for Social Services (Mr Fowler) conducted a wide-ranging review of social security, covering all major aspects of the scheme, including state provision for retirement pensions. His proposals were discussed by a small MISC Group (MISC 111) under the Prime Minister’s chairmanship at seven meetings between February and April 1985 and Mr Fowler was then invited to put his proposals before Cabinet. Because of the size of the subject, and the complexity and range of the proposals, Mr Fowler arranged to precede Cabinet
CONFIDENTIAL

discussion with a presentation in addition to the memorandum (C(85) 9) for
discussion. Initially it was intended to hold a separate presentation in the Cabinet
Office for Cabinet Ministers not involved in the MISC 111 discussions but, in the
event, it took place in the Cabinet Room immediately prior to Cabinet on Tuesday
2 May, with all members of the Cabinet attending. Substantive discussion was
however reserved for later when the item was reached in the normal course of the
Cabinet agenda.

MEETINGS

Frequency

2.36 The Cabinet meets as occasion demands but regular days and times are normally
set aside for routine meetings to facilitate forward planning. In 1955 Tuesday and
Thursdays mornings were reserved as normal Cabinet times although this was not
always rigidly observed. Since 1963 the practice has generally been to hold only
one routine weekly meeting on Thursdays with additional meetings on Tuesday
mornings only when there is a greater weight of business than usual but since 1979
Tuesday meetings (other than the pre-Budget Cabinet) have been highly
exceptional.14 When business cannot be completed, outstanding items will
normally be put on the agenda for a later meeting. If the discussion continues after
a short break (eg lunch or another meeting) this is regarded as one meeting with
“resumed” discussion, see eg CC(69) 2nd, 28th and 34th Conclusions. (For statistics
of meetings see Annex C.)

2.37 Regular meetings and other meetings, the need for which can be foreseen a little
time in advance, are notified in the Provisional Arrangements and by circulation of
the agenda. Special or emergency meetings of the Cabinet are usually summoned
by telephone messages from the Cabinet Office on the instructions of the Prime

CONFIDENTIAL

AUGUST 1992
Minister. The Sovereign’s Private Secretary should always be informed. If time allows the arrangements are confirmed by the circulation of an agenda paper.

Meetings in Holiday Periods

2.38 In the short holiday periods, viz Easter, Whitsun and Christmas, it is usual to avoid meetings of Cabinet Committees and indeed of the Cabinet itself, unless specially urgent business arises. In the summer Parliamentary Recess it is usual to regard the first four or five weeks as a close period in which Cabinet and Cabinet Committee meetings are avoided as far as possible. To avoid calling Cabinet Committee meetings during this period the practice has sometimes been to arrange for urgent business which would have been taken at them to be taken instead at the Cabinet. On other occasions Committee meetings have been arranged to avoid having to summon the Cabinet. In any case, the practice is to take stock of the situation a little in advance of the Recess and, if necessary, to make a provisional arrangement for a meeting of the Cabinet which can be confirmed or stood down in the light of events.

Taking the Chair

2.39 The Prime Minister always takes the chair at Cabinet meetings unless unavoidably absent; in that event the member of the Cabinet next in order of precedence usually takes the chair. There have been many examples where the Prime Minister has been absent for part or all of a meeting; there have also been cases where the third in order of precedence has taken the chair in the absence of the second, and so on.\textsuperscript{15}
Seating Arrangements

2.40 Whenever there are Ministerial changes affecting the Cabinet, the seating plan needs to be revised. The Secretary of the Cabinet makes proposals to the Prime Minister. It is usual to place a senior Minister on the Prime Minister’s left (the Secretary of the Cabinet sits on his right), other senior Ministers opposite the Prime Minister, and then the other Ministers towards the ends of the table and on the Prime Minister’s side. But personal preferences and political considerations play a part as well as strict seniority. (Some recent seating plans are at Annex E.)

Venue

2.41 Meetings are normally held in the Cabinet Room at No 10 Downing Street. If it is necessary for the Cabinet to meet when the House of Commons is sitting and important divisions are due to take place, or when a number of senior Ministers must be within easy reach of the Chamber, the meeting is held in the Prime Minister’s room in the House of Commons (with a large Cabinet it may be necessary to meet in the Large Ministerial Conference Room, House of Commons - and this was done on 21 July 1976 (CM(76) 20th Conclusions). Meetings have been held at Chequers on rare occasions. On 7 February 1991, after adjourning the meeting of OPD(G) to Conference Room F in the Cabinet Office after a PIRA mortar attack, the Cabinet meeting(CM(91) 5th) also took place in the Cabinet Office.

Messages

2.42 The Prime Minister’s Private Secretary is responsible for ensuring that the proceedings of the Cabinet are not disturbed. To assist him, Ministers are asked to instruct their offices that messages are not to be sent to them in Cabinet.
2.43 The Cabinet does not have a ‘quorum’; at some special or emergency meetings, particularly during normal holiday periods, attendance has been quite small.18

Members of the Cabinet

2.44 Cabinet meetings take precedence over all other business except meetings of the Privy Council. Members of the Cabinet are expected to attend all its meetings unless there are exceptional circumstances and other business should be arranged accordingly.19 In recent years, the need to attend international meetings, especially of European Community Ministers, has created particular difficulty. Nevertheless, Cabinet Ministers are expected to do their utmost to avoid such commitments clashing with Cabinet or to arrange to be appropriately represented at them. Requests for permission to be absent from Cabinet should be made only in the most exceptional circumstances, at the earliest possible moment and by a personal minute to the Prime Minister (unless the reason is an overseas visit previously approved by the Prime Minister).

Other Ministers

2.45 Other Ministers attend by invitation only. In cases of doubt the Prime Minister’s instructions are taken when the Agenda is drawn up. Ministers are always invited by name and the items for which they are to attend are shown on the Agenda. The fact of a Minister’s attendance is invariably recorded (as ‘also present’) on the front page of the Conclusions. Ministers have to be reminded from time to time that they should not arrive before their item, nor should they stay after it is finished.
CONFIDENTIAL

2.46 Attendance at the Budget Cabinet is usually restricted to members of the Cabinet and any constant attenders (see Paragraph 2.46 below). Invitees to Budget Cabinets are shown in Annex B.

2.47 Ministers in Charge of Departments, Law Officers, Chief Secretary, Treasury. Any Ministers in charge of Departments who are not in the Cabinet are normally invited for items of business affecting their Departments. Similarly one of the Law Officers (usually the Attorney General, but the Lord Advocate should not be overlooked if the matter has implications for Scottish Law) attends when legal or constitutional issues are under discussions. At times when the Chief Secretary, Treasury has not been a member of the Cabinet in his own right he has generally attended when matters affecting public expenditure are under discussion.

2.48 ‘Constant Attenders’. Since the formation of the Conservative Government in 1951, the Chief Whip Although not a member of the Cabinet (except for the period July 1974-April 1976) has become a constant attender. From time to time, other Ministers have been constant attenders. Constant attenders, like all others attending who are not members of the Cabinet, are shown on the front pages of the Conclusions as ‘also present’.

2.49 Subordinate Ministers. Ministers cannot be represented in their capacity as members of the Cabinet and, if they cannot attend, need only be represented for items of business which concern their own Department. In such cases representation would normally be by the Minister of State, by the Minister most directly responsible for the matter under discussion (see paragraph 2.31(b) above for a description of the arrangements during the extended absence of Mr Tebbit, Secretary of State for Trade and Industry in 1984). Nowadays it would be exceptional for a Parliamentary Secretary to attend. It is not, however, possible for a junior Minister to reserve the position of an absent Cabinet Minister whom he is representing if the Cabinet reaches a collective decision.

CONFIDENTIAL

AUGUST 1992
2.50 Occasionally a Cabinet Minister may be accompanied by a junior departmental Minister if the Cabinet is to discuss business for which the junior Minister has been given a specific responsibility. For example, Mr Foley, Joint Parliamentary Under Secretary of State for Economic Affairs with special responsibility for the integration of immigrants, attended Cabinet three times during 1965 for discussions on Commonwealth Immigration (CC(65) 36th, CC(65) 42nd and CC(65) 57th Conclusions). Miss Lee, charged with special responsibility for the arts, attended Cabinet together with the Minister of Public Building and Works when she was Parliamentary Secretary at that Ministry for consideration of a White Paper 'A Policy for the Arts' (CC(65) 10th Conclusions). Later as Joint Parliamentary Under Secretary of State, Department of Education and Science, the Secretary of State being present, Miss Lee attended when the Cabinet discussed the University of the Air (CC(65) 6th Conclusions). More recently, Lord Gowrie attended for the Cabinet discussion in 1984 of Performance Related Pay - see paragraph 2.32(a) above. Mr Portillo, who had taken responsibility for the Local Government Review within DOE, attended with his Secretary of State for discussion of that item on 18 April 1991 (CM(91) 14 item 4).

2.51 Foreign and Commonwealth Office and Treasury. The rule that members of the Cabinet may be represented only if their Department is concerned with a particular item has been interpreted more liberally in the cases of the Chancellor of the Exchequer (if the Chief Secretary has not himself been a member of the Cabinet) and the Foreign and Commonwealth Secretary, both of whose interests may extend to a wide range of Government policy. The Foreign and Commonwealth Secretary was not, however, represented at the Budget Cabinet in 1991 (paragraph 2.46 above) although he was overseas at the time.

2.52 Departmental Ministers in the House of Lords. In Mr Churchill's administration of 1951 he considered that, if a departmental Minister sat in the House of Lords, it was advisable that the Minister who answered for the Department in the House of
Commons should attend Cabinet for the discussion of a policy matter which might lead to Parliamentary controversy in order to acquire the necessary background. Nevertheless, it has been the exception rather than the rule for a Junior Minister to attend a Cabinet discussion with the Minister in such circumstances. More recently the problem has been circumvented by granting the senior departmental Minister in the Commons membership of the Cabinet in his own right.  

2.53 *Jumbo* Departments. In Mr Heath’s administration of 1970 it was not unusual, after the creation of the ‘jumbo’ Departments (Environment (DOE) and Trade and Industry (DTI)) to invite second-tier Ministers for items for which they were responsible. But this lapsed after 1974 when DTI was broken up and the Minister for Planning and Local Government (Mr John Silkin) became a member of the Cabinet.

2.54 Committee Chairmen. Most Chairmen of Cabinet Committees are members of the Cabinet, but in 1974, when the Parliamentary Secretary, Ministry of Fuel and Power (Mr Gaitskell) was chairman of the Materials Committee, the Secretary of the Cabinet had discretion from the Prime Minister to arrange for him to be invited to meetings of the Cabinet when matters of concern to him in that capacity were discussed. In November 1967 the Financial Secretary, Treasury attended Cabinet to report the conclusion of the Commercial Policy Committee on Foot and Mouth Disease. The chairman (President of the Board of Trade) could not attend the Cabinet that day and the Financial Secretary was the next senior member who was not parti pris.

2.55 Other Attendance. The Paymaster General (Colonel Wigg) attended a meeting of the Cabinet (CC(65) 14th Conclusions) at which the future of the National Army Museum was discussed in his capacity as Chairman of the Board of Commissioners of the Royal Hospital, Chelsea.
Crown Servants

2.56 The general rule is that, apart from members of the Secretariat (see paragraph 2.66 below), officials do not attend Cabinet. It is, however, accepted that one or more of the Prime Minister’s Private Secretaries may sit in the Cabinet Room during meetings to assist the Prime Minister; this is not recorded in the Conclusions.

2.57 Chiefs of Staff. The Chief of Defence Staff or other Chiefs of Staff may be invited to attend, after consultation with the Secretary of State for Defence and after taking the Prime Minister’s instructions, for discussion of military matters or strategic issues. In the normal course of business this is very rare but during the Falklands conflict in 1982 the Chief of the Defence Staff attended Cabinet on two occasions (4 May and 20 May) and the Chiefs of the Naval and Air Staffs attended the emergency Cabinet meeting on the day of the Argentine invasion (2 April). Individual Chiefs of Staff may, if necessary, be represented by deputies. On occasion, the Chiefs of Staff, although asked to be present, may not be required to remain throughout the Cabinet’s discussion. On a few occasions they have been asked to attend at 10 Downing Street, in case their presence at the Cabinet should be required. The Chief of Defence Staff attended Cabinet just once during the 1990/91 Gulf crisis, for a discussion on reinforcement of British troops in the Gulf on 22 November 1990.

2.58 The Defence White Paper of 1958 (Cmnd 476) records that the Chiefs of Staff have a right of access to the Prime Minister and this has been repeated in several subsequent documents and accepted as correct doctrine. Notwithstanding that the 1958 White Paper ‘reaffirms’ the right of access the origins of this right are now unknown (neither Jennings or Anson make any reference to it). It may have arisen when the Prime Minister was also Minister of Defence (ie 1939-47 and 1951-52) or
be a legacy from when the Prime Minister chaired the Committee of Imperial Defence. No other professional advisers have such a right of access.

2.59 The Chiefs of Staff exercised their right in January 1968 over the difficulties which would confront them in implementing a decision to complete the withdrawals from the Far East and the Persian Gulf as rapidly as was then contemplated (see CC(68) 6th Conclusions), in December 1976 over reductions in defence expenditure arising in the context of the United Kingdom’s application to the International Monetary Fund, and in 1984 over the plans for the re-organisation of the Ministry of Defence.

2.60 Foreign Office and Treasury. At one time the Permanent Secretary to the Treasury and the Permanent Under Secretary of State for Foreign Affairs occasionally, with the Prime Minister’s consent, attended Cabinet, but their names were not shown on the Agenda. But this has not been the practice for many years.

2.61 Other Officials. However, officials will be invited when it is essential to do so. Their attendance has usually been noted on the front page of the conclusions and it is desirable that it should be if the Cabinet records are to be complete.

2.62 In addition, there have been occasions when White Papers have been discussed by the Cabinet when junior officials from Departments have been present in order to take note of the Cabinet’s amendments so that very early publication can be secured. Such attendance is not usually noted in the Conclusions.

Outsiders

2.63 Attendance by persons who are neither Ministers nor servants of the Crown is very exceptional and should be avoided if at all possible. If it is essential for them to attend they should do so to answer questions and possibly to give advice but
should not take part in the Cabinet’s discussion; ideally they should be excluded from the discussion.26

2.64 In recent years it has become the practice for the Prime Minister’s Parliamentary Private Secretary to be present in the Cabinet Room during meetings. The PPS does not sit at the Cabinet table, does not take an active part and is not recorded as present in the minutes (this is analogous to the position of the Prime Minister’s Civil Service Private Secretaries, see 2.56 above).

Commonwealth Representatives

2.65 Special arrangements were made for the representation of the Dominions in the War Cabinet, and special treatment of “old” Commonwealth Prime Ministers continued for some years after 1945, particularly in relation to Australia. This has however lapsed.27

The Secretariat

2.66 The Secretary of the Cabinet, unless unavoidably absent, attends all meetings of the Cabinet. (CP18(36): “The Secretary will attend meetings of the Cabinet, unless instructed to the contrary, for the purpose of recording conclusions”.) Other members of the Secretariat attend as required by the length of the agenda and the nature of the subjects covered. It is rare for more than 3 secretaries (including the Secretary of the Cabinet) at attend for any one item. In the period 1974-76 there were sometimes 4 secretaries present for Parliamentary Affairs and Foreign Affairs but Mr Callaghan made it clear, when he became Prime Minister, that only in the most exceptional circumstances should more than 3 secretaries be present at one time. Since 25 October 1973 (CM(73) 50th Conclusions) it has been the practice to indicate on the front page for which items the different secretaries are present. The Budget Cabinet is attended by the Secretary only28 and there are precedents for his
not being accompanied by other members of the Secretariat on other specially secret occasions. For example, the Secretary of the Cabinet was the only member of the Secretariat present at the meetings of the Cabinet at which Mrs Thatcher as Prime Minister announced her intention to seek the dissolution of Parliament in 1983, and subsequently her intention to resign in 1990.

2.67 From time to time, usually when the Cabinet wish to have a general discussion of the political situation, the Cabinet will meet without a secretary. On these occasions, either (i) the discussion will not be mentioned in the Conclusions, or (ii) the Conclusions will simply record that a discussion took place but not its content or the conclusions reached (see for example CC(65) 29th Conclusions), or (iii) the Conclusions will record only the conclusions reached (see for example CC(66) 49th Conclusions when the Secretariat did not attend the discussion but were summoned in at the end to hear what had been agreed). There is one case where a full record was made of a discussion not attended by the Secretariat. This was CC(69) 15th Conclusions, Minute 1 (No Circulation Record held by the Secretary of the Cabinet) where the record was drafted by the Secretary of the Cabinet on the basis of full notes taken by the Prime Minister and the Paymaster General. But no other example of this practice is known. A meeting of Cabinet Ministers, with the Chief Whip, the Attorney General, the head of the No10 Policy Unit and the Prime Minister’s press Secretary also present, was held at Chequers on Sunday 26 June 1977, but was deemed not to be a Cabinet Meeting. No Secretaries were present and no Conclusions were circulated. However a record was made by a No 10 Private Secretary also present; copies are held only at No 10 and by the Secretary of the Cabinet.

Unavoidable absences

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

CABINET CONCLUSIONS

2.69 No systematic record of Cabinet meeting was kept until December 1916 when the War Cabinet was formed and took over the secretarial machinery which had served the Committee of Imperial Defence. Before that date the only record made of Cabinet decisions (apart from "Minutes of the Cabinet" in the eighteenth century) was a personal note sent by the Prime Minister to the Sovereign after each meeting of the Cabinet.

2.70 Cabinet Conclusions and Cabinet Minutes are the same. For short time, however, after the full Cabinet was restored in 1919 there was a distinction between the two, the Conclusions representing the summary record and the Minutes a detailed report, of which only a very few copies were made. In a note in file CAB/C/20 Sir Maurice Hankey stated: "It was contemplated .... That in addition to the 'Conclusions' circulated to all members of the Cabinet, somewhat fuller minutes would be required. In practice, however, it has been found more convenient that the 'Conclusions' should constitute the sole official record".

2.71 The Cabinet Conclusions are therefore limited to a record of the decisions taken and such summary of the discussion as may be necessary for the guidance of those who have to take action on them. The Secretary of the Cabinet has instructions to limit attribution of views to particular Ministers as narrowly as possible, to protect the doctrine of collective responsibility (See Chapter One). Information on the form, circulation etc of Cabinet Conclusions is in Chapter Four.
Decisions and dissent

2.72 The workings of the Cabinet are governed by the doctrine of collective responsibility. This implies that decisions should be taken collectively and the Cabinet therefore does not reach decisions by formal voting \(^{29}\) but the Cabinet Conclusions record the sense of the meeting, as summed up by the Prime Minister.

The principle of collective responsibility is also generally incompatible with the recording of dissent, unless the Minister concerned proposes to resign. See Chapter One for a fuller discussion of those aspects of collective responsibility and examples of circumstances in which exceptions have been made or considered.

Implementation of Conclusions

2.73 Ministers are responsible for giving instructions to their Departments to give effect to the Conclusions of the Cabinet, and for communicating to subordinate Departments or branches decisions of which they should be made aware. Where an urgent matter arises in Cabinet unexpectedly, and a decision is reached requiring immediate action by a Department not represented at the meeting, the Secretary will ensure that the Department concerned is notified forthwith. Where action has to be taken at once by a Department, application may be made to the Secretary for an advance copy of the relevant Conclusions. \(^{30}\)

Outstanding Conclusions

2.74 Ministers are also responsible for ensuring that their Departments do take whatever action is necessary on Cabinet Conclusions and for reporting back to the Cabinet if necessary. At one time a schedule of Cabinet Conclusions (known as the "Black List") on which Ministers had been asked to refer or report further to the Cabinet was maintained in the Private Office of the Secretary of the Cabinet to follow up

CONFIDENTIAL

AUGUST 1992
outstanding Conclusions. The Black List is no longer kept, but the Secretariat keep
an eye on this aspect and take such action with Departments as is necessary.³¹

2.75 From time to time, the question has arisen whether Cabinet decisions can
subsequently be varied without reference back to Cabinet. It was suggested in
1967 (195/Part 1, folio 66) that two principles should be applied:

i. Is the variation, as opposed to the original decision in full, of such
importance (whether political or otherwise) that it should come to the
Cabinet on its own merits? If it is, then self-evidently the variation should
come back to Cabinet. If not, then one should consider the second aspect.

ii. Was the aspect of the original decision which it now proposed to vary
something which aroused general discussion in the Cabinet and on which
views of any importance or force were expressed, other than by the Minister
immediately concerned? If so the variation should come back to Cabinet.
But if not, a variation can be approved either by an individual Minutes, with
the Prime Minister’s approval, if the individual Minister is alone concerned,
or by the group of Ministers particularly concerned, again on the Prime
Minister’s approval.

CONFIDENTIALITY OF PROCEEDINGS

2.76 It is the established rule that proceedings of the Cabinet are confidential. It is the
personal responsibility of Cabinet Ministers to see that there is no leakage of
information about discussions in the Cabinet. The principal reason for
confidentiality is in order to preserve collective responsibility although Ministers
who are also Privy Counsellor’s Oath.³³

Press briefing

CONFIDENTIAL AUGUST 1992
CONFIDENTIAL

2.77 Practice on the extent of briefing made available to the press has varied. For some time it has been the custom for the Prime Minister's Press Secretary to give unofficial guidance through "the Lobby" on meetings of and attendance at Cabinet. More recently, during Mrs Thatcher's Administration, this has extended to a general indication of at least some of the subjects under discussion.

Leaks

2.78 Although press reports purporting to give accounts of Cabinet proceedings are necessarily treated officially as speculation, many such reports are clearly well (if partially) informed. Leaks (usually of a political rather than national security nature) have been a regular feature. The records of Cabinet proceedings include many references to leakage of information and many injunctions to Ministers on the importance of preserving secrecy, particularly in the handling of Cabinet Conclusions. Thus in 1922 (Cab 68(22) 9) the Cabinet discussed a memorandum by Lord Stamfordham on instances of unauthorised public references to proceedings in Cabinet: it was made clear that the King's permission was necessary before such disclosures were made. (On the Sovereign's consent to disclosure of Cabinet proceedings in statements by resigning Ministers see Chapter Five.)

2.79 The need to secure the confidentiality of Cabinet proceedings is an important reason for severely restricting the attendance of non-members (see paragraphs 2.43 ff above). Following the attendance of Sir Henry Benson at a meeting of the Cabinet on 3 February 1971, the report of the Inspectors investigating the affairs of Rolls-Royce Limited under Section 165 of the Companies Act recorded that Sir Henry had attended Cabinet and included his account of what had passed (which differed in some respects from the account of the Government's attitude given in the published White Paper on the collapse of Rolls-Royce Limited). The Prime Minister (Mr Heath) was advised that there was no absolute constitutional bar

CONFIDENTIAL

AUGUST 1992
against the publication of Sir Henry's account in the report; but he recorded his view that it was wrong that if an external adviser were brought into the Cabinet he should be free to publish his account.

2.80 This general principle of the confidentiality of Cabinet proceedings applies most strictly to current proceedings and with less strictness as the years pass as breaches are less likely to do significant damage to the principle of collective responsibility. Under the Public Records Act most Cabinet records are now released to the Public Record Office after 30 years and, within that period, accounts of Cabinet proceedings do become public, most notably through the publication of Ministerial memoirs. Nevertheless works such as Mr R H S Crossman's "Diaries of a Cabinet Minister" which give partial and sometimes tendentious accounts of Cabinet meetings which took place less than ten years previously have increased the pressure on Cabinet Ministers to get their own interpretation of events on the record in one form or another.

Authorised Disclosure

2.81 However, the general principle is not a bar to disclosure, eg of the outcome of a Cabinet discussion, if the Cabinet so decide. The events that followed a meeting of the Labour Party National Executive Committee (NEC) in April 1969 are a good example of this. At the meeting, certain members of the Cabinet expressed views which were at variance with the Government's agreed policy in respect of the Industrial Relations Bill. At a meeting of the Cabinet on 3 April 1969 (CC(69) 15th Conclusions, Minute 1 - Most Confidential Record) the Prime Minister (Mr Wilson) restated the principles of collective responsibility, their interpretation in relation to membership of the National Executive Committee and his intention to bring this to the notice of all members of the Administration as a code of conduct to be strictly observed. The Cabinet agreed that in the exceptional circumstances of the case it would be desirable that appropriate publicity should be given to the
outcome of their discussion and that the Prime Minister himself, in his sole discretion, would make the necessary arrangements for this purpose. In the event the Prime Minister briefed the Lobby correspondents the same evening. On 15 April, in reply to a Parliamentary Question regarding the doctrine of Cabinet secrecy, the Prime Minister (Mr Wilson) said ".... If the in any Cabinet situation decides that there shall be publicity for any matter which has heretofore been secret, there is no breach of the principle of secrecy". (Hansard, Volume 781, cols 986-987.) On 29 April a supplementary question to the Prime Minister requested the authority and precedent for the suggestion he had made on 15 April. In reply the Prime Minister said "I take full responsibility.... In my previous supplementary answer I said that where the Cabinet agrees to information being made available, then from that moment it to no longer regarded as an official secret...... It is a matter for Cabinet to decide whether, for example, a statement is made in one direction or another, or in a White Paper, or by Press briefing or in many other ways". (Hansard, Volume 782, col 1156.) In a similar way, at their meeting on 25 April 1974, the Cabinet authorised the issue of a statement referring to their discussion of Northern Ireland at that day’s meeting. (The statement began: “Before dealing with the business for which this morning’s meeting of the Cabinet had been arranged the Cabinet noted.....”.)

Cabinet Reports

2.82 In 1917, and again in 1918, the War Cabinet made a report to Parliament. These were not revelatory of what had taken place in Cabinet but reported on the developments and implementation of Government policies during the 2 years. After 1918 practice was discontinued and has never resumed.

Announcement of Decisions
2.83 While Cabinet proceedings are confidential, the decisions reached are frequently made public in the ordinary course of Government business. Decisions reached by the Cabinet or Cabinet committees are normally announced and defended by the Minister concerned as their own decisions. There may be rare occasions when it is desirable to emphasise the importance of some decision by stating specifically that it is the decision of Her Majesty’s Government. But this is the exception rather than the rule. It is important to avoid any indication of the manner in which the Minister has consulted colleagues about a decision. Questions of Procedure for Ministers explains “The internal process through which a decisions has been made, or the level of Committee by which it was taken, should not be disclosed. Decisions reached by the Cabinet or Ministerial Committees are binding on all members of the Government. They are, however, normally announced and explained as the decision of the Minister concerned. On occasions it may be desirable to emphasise the importance of a decision by stating specially that it is the decision of Her Majesty’s Government. This, however, is the exception rather than the rule.”

2.84 It is quite exceptional for a decision to be announced as “a decision of the Cabinet” (though “Her Majesty’s Government” could have been seen as virtually synonymous up to about the time of the Second World War).

Cabinet Photographs

2.85 It has become the invariable custom for new Cabinets to be photographed and it is also usual for a photograph to be taken after an significant reshuffle. The scene has always been the garden or the drawing room at 10 Downing Street and suggestions for photographs of the Cabinet in session have been rejected apart from special occasions (see paragraphs 2.87-2.88 below).
2.86 Cabinet photographs are usually taken about fifteen minutes before a meeting of the Cabinet. The arrangements for the attendance of photographers and for seating etc are made by the Private Secretary at 10 Downing Street. It is usual for the Secretary of the Cabinet to be included in the photograph. The Cabinet Office is responsible for (i) preparing and submitting for the Prime Minister’s approval a “seating and standing” plan (based on precedence) (ii) arranging for copies of the photograph to be signed by all members of the group; (iv) taking Ministers’ orders for copies and passing these on to the Central Office of Information; and (v) distributing copies to Ministers, collecting payment from them and passing this to COI. Formerly only four copies of the photograph were signed (for the Prime Minister, for 10 Downing Street, for Chequers and for the Cabinet Office) but more recently the practice has been for all members of the Cabinet to have a signed copy if they so desire. The photographs are not paid for from public funds.

2.87 In 1987 the then Prime Minister, Mr Callaghan, agreed that the Cabinet might be photographed in session in the Cabinet Room for publication in the media. One photographer was nominated by the press to take three pictures which were subsequently circulated to all national and regional newspapers and to the news agencies. The photographs were taken on Thursday 2 March and published on Monday 6 March.

2.88 In 1985, as part of a documentary to mark the 250th anniversary of the use of 10 Downing Street by the Prime Minister the BBC were permitted to make a short film of the Cabinet in the Cabinet Room. The film represented the beginning of a Cabinet meeting with a short discussion of Parliamentary affairs; although the discussion was not scripted, the subject matter was carefully selected and Ministers were warned not to leave classified papers open to view. A similar exercise was allowed in 1991. The Prime Minister allowed television cameras into the Cabinet Room following the 1992 Election to record the arrival of the new Cabinet.
2.89 There are many precedents for collective presents by the Cabinet, eg in recent years on the occasion of The Queen’s Silver Jubilee, of Princess Anne’s marriage and the retirements of Sir Burke Trend, Sir John Hunt and Sir Robert Armstrong. These matters are normally handled by the Prime Minister’s Private Secretary.

2.90 On the death of a member or a former member it is usual for a wreath to be send in the name of the Cabinet. The initiative is taken by the Prime Minister’s Private Secretary, but the Cabinet Office may be asked to assist, eg in the collection of contributions from Ministers. See File 32/279. (The cost of wreaths has, however, on some occasions been met from public funds.) In October 1966 the Cabinet send, at their own expense, a wreath to the victims of the colliery tip disaster at Aberfan.

INNER CABINETS

2.91 From time to time there is concern, either inside or outside Government, that the Cabinet has become too large and a group to operate effectively as the supreme directing body of government policy. Although some Committees (eg Defence and Overseas Policy and Economic Strategy) tend to be composed of senior Ministers and have considerable powers of decision, this is confined to their own areas and their authority is always by devolution from the Cabinet. Despite periodic speculation about the growth of inner decision-making groups within the Cabinet, the only occasions when a formal “inner Cabinet” arrangement has operated has been during the First and Second World Wars. However, in 1968 a small Parliamentary Committee was established having as Members the Prime Minister, the Foreign and Commonwealth Secretary, the chancellor of the Exchequer, Lord Chancellor, Social Services Secretary, First Secretary of State, Home Office, Defence Secretary and Lord President of the Council. The Secretaries of State for
Scotland and Wales and the Chief Whip attended the Committee’s meeting and other Ministers were invited to be present as the nature of the business required. The Committee had no terms of reference, but at its first meeting (P(68) 1st Meeting Minutes) the Prime Minister had described its function as “to consider, in more detail and over a further period ahead than had hitherto been practicable, the management of the Government’s business in terms of Parliamentary and political tactics and presentation to public opinion... The Committee’s deliberations and findings would need to be regularly reported to the Cabinet”. There was much talk of this Committee being an “inner Cabinet”. It held its last meeting in April 1969 (P(6) 7th Meeting) and no Committee with this function has subsequently been established.
Notes

1. The position is different with regard to civil actions in which the government is involved where the Attorney General may be asked to give legal advice but does not have the peculiar constitutional role that he has in respect of prosecutions. In civil cases he participates in decision-making on the same basis as other Ministers (see comments by Sir Michael Havers in answer to Parliamentary Questions relating to the peter Wright case on 1 December 1986). The advice given by the Law Officers should not, however, be disclosed publicly without their express permission.

2. When the final decision not to have a further inquiry was taken by the new Conservative Cabinet on 14 June 1979 it was also noted that the DPP had still to reach decisions on whether any prosecutions should be brought. Successive
Cabinets thus scrupulously refrained from any view on the need for criminal investigations as opposed to a political inquiry.

3. Examples include the prosecution of Mr Clive Ponting and the non-prosecution of Miss Cathy Massiter for alleged offences under the Official Secrets Act (1984-85) and the policy adopted towards various books concerned with the intelligence agencies (arising from the 1986 court case to prevent publication in Australia of a book by a former Security Service employee, Mr Peter Wright).

4. It has never been the practice for the Cabinet to discuss its own composition, which is entirely a matter for the Prime Minister. Similarly Cabinet does not normally discuss the establishment and composition of Cabinet Committees although it would be at least theoretically possible for the Cabinet to discuss relevant factors without trespassing on the Prime Minister’s prerogative of appointment. It is notable that at CC(84) 32\textsuperscript{nd} Meeting where it was agreed that E(LF) should be reconstituted and MISC 106 established, the Conclusions record merely that Cabinet took note that the Prime Minister would give instructions for E(LF) to be reconstituted and invite the Lord President to chair MISC 102. The Cabinet did not itself give instructions or do the inviting.

5. The exercise in individual cases of powers given to the Secretary of State for the Environment to rate cap local authorities by 1983 legislation was held to be another example (see 194/1, Part 7, folio 25).

6. The Parliamentary programme was not regularly reviewed week by week by pre-war Cabinets. The term ‘Parliamentary Affairs’ came into use during 1968.

7. Until 1927 ‘Foreign Affairs’ appeared on the agenda only intermittently but thereafter it appeared regularly until immediately before the War. During 1938 and 1939 there were very few Cabinets which did not begin with ‘Foreign Affairs’ as
the first item. The usual entry on the agenda was ‘Foreign Affairs (if required)’, but often a particular item was noted under the general heading, e.g. ‘Foreign Affairs: Situation in China’. During the war it was the regular practice to put the foreign and military situations first on the agenda for the Monday meetings of the War Cabinet. The practice of putting ‘Foreign Affairs’ on the agenda at the first of the two weekly meetings of the Cabinet was restored in November 1945. In February 1956 the Foreign Office suggested that ‘Foreign Affairs’ should be the second item on the agenda but it was eventually agreed that the practice of putting it first at the first weekly meeting of the Cabinet should be continued.

8. In 1981 and in a number of subsequent years the Autumn Cabinet paper on Public Expenditure plans was submitted to the Prime Minister before general circulation. Also in November 1981 the Prime Minister instructed the Secretary of State for the Environment not to circulate a planned paper on Expenditure on Housing.

9. Until the outbreak of war in 1939 it was also customary for the Cabinet Office to send the Chancellor of the Exchequer a copy of all memoranda received for circulation and to delay circulation until his consent was obtained.

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

11. Before the War it was customary to send with the copies of the agenda a formal notice calling a meeting ‘of His Majesty’s Servants’. This notice was issued for Tuesday meetings of the War Cabinet, but the practice lapsed. In order that the custom might not be completely forsaken the notice was issued (with the Prime Minister’s approval) in connection with the meeting of the Cabinet held on 5 April 1948 (Budget Cabinet). This form of notice was then used, though not always, to
summon the first Cabinet of a new Government and also to invite visiting Prime Ministers of Commonwealth Governments to Cabinet meetings. It has further been used to call a meeting of the Cabinet to discuss a most confidential matter which it was not expedient to name. The notices were not used to summon the first Cabinet of the Administration Mr Wilson formed in 1964 and they have not been used subsequently. Their use must now be regarded as obsolete.

12. In November 1969 the Attorney-General (Sir Elwyn Jones) asked that when he was required to attend Cabinet or Ministerial meetings, he should be invited for the whole meeting. It was not practicable in view of the distances of the Law Courts from Whitehall for him to be kept on call and embarrassment arose if the order of items was changed at short notice or earlier items took longer than expected. Also experience had shown that often items of business which would not normally have required him to be invited were nevertheless found to have legal implications. The Secretary of the Cabinet agreed to the request on a personal basis and that the exceptional arrangement was not extended to other Ministers. (see file 273/2). This has not, however subsequently been treated as a precedent.

13. On the other hand, second-tier Ministers such as the Minister for Trade and Consumer Affairs or the Minister for Planning and Local Government have submitted memoranda to the Cabinet during those periods when they have been members (eg C(76) 4). So has the Chief Secretary, Treasury (eg C(69) 90). But this is quite consistent with the principle - see file 195/1, Part 1, folio 80 for example of a non-Cabinet Minister (in this case the Chief Secretary, Treasury) being refused permission to circulate a paper. But against this the Chief Secretary, Treasury did submit papers to Cabinet in 1970 and 1971 even though he was not a member. The situation has been complicated by the death in office of the Chancellor of the Excheque (Mr Macleod) in July 1970.

CONFIDENTIAL

AUGUST 1992
14. There were, however, 13 extra Cabinet meetings during the Falklands crisis in 1982, including two on Friday 2 April (at 9.45am and 7.30pm), the day of the invasion.

15. The Prime Minister is not shown on the front page of Cabinet Conclusions as being 'in the chair' but if someone else takes the chair this is shown (and if only for certain items that is shown too). At one time the front page showed whether the Prime Minister had only been present for some (and not all) items but now no direct indication is given. The Prime Minister's absence for part of the meeting can, however, be inferred from the fact that someone else will be shown as in the chair for those items—eg on 29 April 1982 the Home Secretary (Mr Whitelaw) took the Chair for Item 3 on Public Services Pay.

For examples of the second in precedence taking the chair see CM(71) 2nd and 3rd and CC(74) 48th, CC(75) 16th, 17th, 36th, 41st, 56th and CC(76) 9th and 10th Conclusions; and for the third in precedence see CC(75) 53rd and (76) 10th Conclusions. Mr Jenkins (fifth in precedence) took the chair for part of CC(75) 56th Conclusions in the absence of any senior Minister.

16. In the 19th century the Cabinet met occasionally at the Foreign Office, and in earlier periods often at the house of the member who had business to submit.

In September 1921 the Cabinet held two meetings in Scotland (Town Hall, Inverness, and Brahan Castle). (Cab 74 and 75(21).) In March 1964 the Secretary of State for Scotland made an informal suggestion to the Secretary of the Cabinet that a meeting of the Cabinet might be held in Scotland; but the Prime Minister opposed the idea. (File 4/1/63.)

During the war of 1939-45 meetings were often held in the Cabinet War Room (in the Great George Street Building).
After 1945 the Cabinet met on a few occasions during the Summer Recess in Conference Room E in the Cabinet Office, Great George Street (eg CM56(49), 52 (49)) to make it easier to prevent knowledge of the meeting from becoming public. Since the reconstruction of Downing Street and the Cabinet Office, Whitehall, Ministers have arrived and departed via the Cabinet Office from some meetings held during the Recess or at weekends.

During the reconstruction of Downing Street in the early 1960s Cabinet meetings were held at Admiralty House.

During the Labour Party Conference of 1966 the Cabinet held a meeting at the Grand Hotel, Brighton, on Tuesday 4 October at 7.15pm. The management of the Grand Hotel, Brighton, subsequently requested permission to display a commemorative plaque in the room in which the meeting was held and the Cabinet agreed to this being done (CC(66) 1st Conclusions, Minute 1).

17. In the summer of 1949, at the time of the discussions on the devaluation of sterling, the possibility of holding a Cabinet meeting at Chequers was canvassed. A meeting of a small number of Cabinet Ministers was, in fact, held there on 19 August 1949.

On Sunday 12 September 1965 a Cabinet Meeting, in two sessions, was held at Chequers. The first session, at 10.00am, was concerned with the deterioration in relations with the Government of Rhodesia and the second session, at 2.30pm, discussed the outbreak of hostilities between India and Pakistan in Kashmir (CC(65) 47th Conclusions).

Two Cabinet meetings on the approach to European were held at Chequers at 10.30am and 2.45pm on Sunday 30 April 1967 (CC(67) 25th and 26th Conclusions). The most recent meetings at Chequers were CC(75) 29th Meeting to discuss economic strategy

CONFIDENTIAL

AUGUST 1992
and CC(75) 39th Meeting to discuss public expenditure priorities. There have also been a number of occasions where Cabinet Ministers met at Chequers but not qua Cabinet - see paragraph 2.66. More recently, during Mrs Thatcher’s and Mr Major’s administrations there have been a number of these formal meetings (or "seminars") to discuss broad aspects of policy as a preliminary to specific Cabinet discussions.

18. No Cabinet meeting since October 1964 has been attended by less than nine members (including the Prime Minister) (24 May 1974, CC(74) 18th Conclusions). At a meeting on 12 December 1975 (a Friday) the number of Ministers present had fallen to 10 by the end of the meeting. In summing up the discussion (of import controls on cars) the Home Secretary, who was in the chair took account of the views of the Ministers who were not present. He then went on to say ‘It would not be right for the limited number of members now present to reach decisions on import controls or other items’ (CC(75) 56th Conclusions).

19. See Prime Minister’s minute of 21 May 1984 for example of periodic reminders.

20. This notwithstanding that the Lord Chancellor is regarded as the principal adviser to the Cabinet on legal matters.

21. Mr Buchan-Hepburn attended approximately half the Cabinets of Sir Winston Churchill’s Administration and almost all of Sir Anthony Eden’s. Mr Heath after his appointment in 1956, was a “constant attender” at all normal Cabinet meetings. He did not attend the Budget Cabinet (see paragraph 20) in 1956, but did so in 1957. Mr Redmayne became a “constant attender” at all normal Cabinet meetings soon after his appointment in 1959. In Mr Wilson’s Administrations of 1964 and 1966 the Chief Whips, Mr Short, Mr Silkin and Mr Mellish, were “constant attenders” at all Cabinets including the Budget Cabinet, as was Mr Pym in Mr Heath’s Administration of 1970, Mr Mellish in Mr Wilson’s Administration of 1974 (he became a member of the Cabinet in July 1974) and Mr Cocks in Mr...
Callaghan’s Administration of 1976. This practice has been maintained for successive Chief Whips in Mrs Thatcher’s administration (Mr Jopling, Mr Wakeman, Mr Waddington and Mr Renton) and for Mr Ryder in Mr Major’s Administration and is now clearly seen as the norm.

22. From October 1946 until October 1947 Mr John Strachey, Minister of Food, was regarded as a “constant attender” on the analogy of War Cabinet practice, and although not a member of the Cabinet attended regularly irrespective of the business to be taken, including eg the Budget discussion. From March 1952 Lord Swinton, who was Chancellor of the Duchy of Lancaster and responsible for the Ministry of Materials, was a “constant attender”. From June 1983 Mr Gummer as Chairman of the Conservative Party was a “constant attender” although his Ministerial positions were successively Minister of State, Department of Employment and Paymaster General (not a Cabinet post at the time). When Mr Tebbit took over as Chairman (and Paymaster General) in 1985 he remained a full member of Cabinet. From November 1987 to July 1989, Mr Brooke, as Chairman of the Conservative Party was a ‘constant attender’ although as Paymaster General he was not a member of the Cabinet.

23. In November 1983 the Minister of State, Department of Energy reserved the absent Secretary of State’s right to bring the issue of electricity prices back to Cabinet if he was unable to proceed as agreed by the Cabinet at the meeting.

24. From 1979 to 1982 when Lord Carrington was Foreign and Commonwealth Secretary, Sir Ian Gilmour was his deputy in the Commons and a member of Cabinet (as Lord Privy Seal). From 1985 Lord Young was Secretary of State for Employment and Mr Kenneth Clarke his deputy (as Paymaster General).
CONFIDENTIAL

25. The Chief of the General Staff (General Sir Geoffrey Baker) was invited to the Cabinet discussion on the role and function of British troops in the disturbance in Northern Ireland (CM(70) 7th Conclusions).

26. On 2 July 1951, during the dispute with Persia over the Anglo-Iranian Oil Company, the Prime Minister (Mr Attlee) invited the Company's General Management in Persia (Mr Drake) to be available if the Cabinet wished to have a first-hand account of the situation in Persia. The Cabinet decided to invite Mr Drake to give his views on the situation in Persia and subsequently asked him a number of questions. After his departure, the Cabinet resumed their discussion of the policy to be followed in respect of the dispute with Persia (CM(51) 48th Conclusions, Minute 1). In November 1970, the Government agreed to provide Rolls-Royce Ltd with additional aid for the development of the RB 211-22 engine, subject to verification of the need for it by an independent accountant (Sir Henry Benson) appointed by the Government. On 3 February 1971, during further Cabinet discussions on the future of Rolls-Royce, the Prime Minister (Mr Heath) invited Sir Henry Benson to attend and he was charged with the task of conveying the Government's views to and discussing them with the Rolls-Royce Board and reporting back to the Chancellor of the Exchequer (CM(71) 17th Conclusions). (See also paragraph 2.78)

27. There was a suggestion that Mr Whitlam, Prime Minister of Australia, should attend a meeting of the Cabinet when he visited the United Kingdom in 1974. The Secretary of the Cabinet advised, and the Prime Minister agreed, that this should not be encouraged primarily because of the precedent it would set for other Commonwealth leaders. The Prime Minister suggested that if Mr Whitlam pursed the idea it might be possible to arrange an informal meeting with some Cabinet Ministers round the Cabinet table (as had been arranged for President Nixon in 1969). In the event Mr Whitlam did not return to the idea and no arrangements were made. (See file 58/6 Part 4). Similarly in 1978 the Prime Minister suggested
that Mr Trudeau, the Canadian Prime Minister, might attend part of a Cabinet Office, the idea was not favoured.

28. In 1969, the Secretary of the Cabinet was unable to attend the Budget Cabinet and the Deputy Secretary responsible for economic affairs (Mr R R D McIntosh) attended in his place. In 1966 Mr Nield (Deputy Secretary) attended in addition to Sir Burke Trend.

29. Exceptionally in the past some Cabinets appear on occasion to have decided questions by vote (see Jennings, Chapter IX, Section 5, and notes in file 4/1/56). On 24 March 1964 the Cabinet voted on a proposed move of Government offices from London, and on 1 April 1965 a vote was taken at a discussion about the TSR 2 aircraft. In neither case do the Conclusions record that there was a vote. More recently, it was well known that when the Lord President of the Council (Mr Short) chaired meetings of the Cabinets during the 1974-76 Wilson Administration he arrived at the decision by counting heads (though there was no vote as such). Informal head counting has probably been used quite commonly as an aid to determining the sense of the meeting but, even where heads are counted, some heads more than others.

30. It was the practice of the Secretary of the War Cabinet of 1916-19 to send a covering note with each copy of the Conclusions circulated indicating which Departments were expected to take action on the decisions recorded. In 1929 the Cabinet agreed that, in cases where a Minister was not available (through illness, urgent public business, or for some other reason) to instruct his Department in regard to decisions taken at Cabinet, the Prime Minister had authority to arrange for notification to be made to the Permanent Head of the Department. The Secretary was instructed to bring such cases to the Prime Minister's notice. (CM 23(29) 3). In September 1939 a circular letter was sent to Private Secretaries making it clear that, notwithstanding the practice in the War Cabinet of 1916-19,
Departments were expected to take action forthwith on receipt of the Conclusions. This remains the position.

31. In 1940 the War Cabinet decided (WM 268(40) 8) that the Secretary should circulate weekly to Departments a schedule of the Conclusions reached by the Cabinet in the previous week and of the Conclusions recorded in previous schedules until he had been informed by the Departments concerned in writing that the action called for had been taken, or, in the case of long-term projects, that the initial steps had been taken to implement the Cabinet's decision. This practice was maintained after the war, but the intervals at which the schedules were circulated were lengthened. The last schedule was issued in May 1956. (See file 48/36). In 1947, following a Cabinet discussion (CM 74(47) 2) various means of improving the arrangement ("black lists", progress reports, etc) were considered; one of the results was the institution of periodical Economic Reports to the Cabinet by the Chancellor of the Exchequer. See file 30/22/36.

32. On 6 November 1919, the Cabinet (3(19) 2) asked the Secretary to publish a press notice after each meeting of the Cabinet, stating who was present. It became customary also to indicate the subjects discussed. On 12 November 1924, it was decided (Cab 59(24) 1) at the first meeting of Mr Baldwin's Cabinet to revert to the practice of giving a list of names only, without any particulars of the subjects discussed. On particular occasions the Cabinet asked that a press notice should not be issued or agreed that it should take the form of a specially drafted announcement. During the 1939-45 war the practice the publication of any information about future meetings of the Cabinet, the place where the meetings had been or were to be held, the subject-matter of Cabinet meetings and the names of Ministers and others present. In January 1948 the question of resuming the pre-war practice was discussed, but it was decided not to pursue the matter.

33. The relevant passage of the Privy Counsellor's oath is:
"You shall, in all things to be moved, treated, and debated in Council, faithfully and truly declare your Mind and Opinion according to your Head and Conscience and shall keep secret all matters revealed unto you or that shall be treated of secretly in Council. And if any of the said Treaties or Councils shall touch any of the Counsellors, you shall not reveal it unto him, but will keep the same until such time as, by the Consent of Her Majesty, or of the Council, Publication shall be made thereof".

34. On 27 May 1936, reports were given in BBC news bulletins of what was believed to have happened at a Cabinet meeting that morning. On the instructions of the Cabinet the Secretary of the Cabinet wrote to the Director General asking that in future no statement should be made in news bulletins on proceedings in Cabinet without direct authority for the statement from 10 Downing Street. The BBC accepted this arrangement, but pointed out that it imposed restrictions which were not applied to responsible newspapers. In reply the Secretary, on the Home Secretary’s advice, made the point that the BBC stood in a special position of responsibility to the public and that a clear distinction ought to be drawn between a broadcast announcement which went into every home and a mere statement in the Press. In recent years, however, it has become commonplace for the BBC (and ITV) to include reports on matters said to have been discussed at Cabinet.
## BUDGET CABINETS

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<th>Date of Budget</th>
<th>Date of Cabinet Office</th>
<th>Attendances (in addition to members of the Cabinet)</th>
<th>Whether other Business Taken</th>
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<td>22 October (am)</td>
<td>Lord Privy Seal, Secretary of State, For Air</td>
<td>No</td>
</tr>
<tr>
<td>1946: 9 April</td>
<td>8 April (am)</td>
<td>-</td>
<td>No</td>
</tr>
<tr>
<td>1947: 15 April</td>
<td>14 April (am)</td>
<td>Minister of Food, PUS, Tsy</td>
<td>Yes</td>
</tr>
<tr>
<td>12 November</td>
<td>11 November (am)</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>1948: 6 April</td>
<td>5 April (am)</td>
<td>Permanent Secretary, Tsy</td>
<td>Yes</td>
</tr>
<tr>
<td>1949: 6 April</td>
<td>5 April (am)</td>
<td>Permanent Secretary, Tsy</td>
<td>Yes</td>
</tr>
<tr>
<td>1950: 18 April</td>
<td>17 April (pm)</td>
<td>Minister of State for Economic Affairs</td>
<td>Yes</td>
</tr>
<tr>
<td>1951: 10 April</td>
<td>9 April (am)</td>
<td>Chief Whip</td>
<td>Yes</td>
</tr>
<tr>
<td>1952: 11 March</td>
<td>10 March (pm)</td>
<td>Minister of Food; of State, FO</td>
<td>No</td>
</tr>
<tr>
<td>1953: 14 April</td>
<td>13 April (pm)</td>
<td>Minister of State, FO</td>
<td>No</td>
</tr>
<tr>
<td>1954: 6 April</td>
<td>5 April (am)</td>
<td>Minister of Pensions and National Insurance, Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>1955: 19 April</td>
<td>18 April (pm)</td>
<td>Permanent Secretary, Tsy</td>
<td>No</td>
</tr>
<tr>
<td>26 October</td>
<td>20 and 25 October</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Date of Budget</td>
<td>Date of Cabinet Office</td>
<td>Attendances (in addition to members of the Cabinet)</td>
<td>Whether other Business Taken</td>
</tr>
<tr>
<td>---------------</td>
<td>------------------------------</td>
<td>---------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>1956: 17 April</td>
<td>16 April (pm)</td>
<td>Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>1957: 9 April</td>
<td>8 April (pm)</td>
<td>Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>1958: 15 April</td>
<td>14 April (pm)</td>
<td>Chief Whip</td>
<td>No</td>
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<tr>
<td>1959: 7 April</td>
<td>6 April (pm)</td>
<td>Chief Whip</td>
<td>No</td>
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<tr>
<td>1960: 4 April</td>
<td>2 April (am) (Saturday)</td>
<td>Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>1961: 17 April</td>
<td>15 April (am) (Saturday)</td>
<td>Minister of Pensions and National Insurance; Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>1962: 9 April</td>
<td>7 April (am) (Saturday)</td>
<td>Attorney-General; Chief Whip</td>
<td>Yes</td>
</tr>
<tr>
<td>1963: 3 April</td>
<td>2 April (am)</td>
<td>Chief Whip</td>
<td>No</td>
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<tr>
<td>1964: 14 April</td>
<td>13 April (am)</td>
<td>Chief Whip</td>
<td>No</td>
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<tr>
<td>11 November</td>
<td>10 November (am)</td>
<td>Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>1965: 6 April</td>
<td>5 April (am)</td>
<td>Chief Whip</td>
<td>No</td>
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<tr>
<td>1966: 3 May</td>
<td>2 May (am)</td>
<td>Chief Whip+</td>
<td>No</td>
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<td>1967: 11 April</td>
<td>10 April (am)</td>
<td>Chief Whip</td>
<td>Yes</td>
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<tr>
<td>1968: 19 March</td>
<td>18 March (am)</td>
<td>Chief Secretary; Chief Whip</td>
<td>Yes</td>
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<tr>
<td>1969: 15 April</td>
<td>14 April (am)</td>
<td>Chief Whip+</td>
<td>Yes</td>
</tr>
<tr>
<td>1970: 14 April</td>
<td>13 April (am)</td>
<td>Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>1971: 30 March</td>
<td>29 March (am)</td>
<td>Chief Whip</td>
<td>Yes</td>
</tr>
<tr>
<td>1972: 21 March</td>
<td>20 March (am)</td>
<td>Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>Date of Budget</td>
<td>Date of Cabinet Office</td>
<td>Attendances (in addition to members of the Cabinet)</td>
<td>Whether other Business Taken</td>
</tr>
<tr>
<td>---------------</td>
<td>------------------------</td>
<td>---------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>1973: 6 March</td>
<td>5 March (am)</td>
<td>Chief Whip</td>
<td>Yes</td>
</tr>
<tr>
<td>17 March</td>
<td>17 December (am)</td>
<td>Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>1974: 26 March</td>
<td>25 March (am)</td>
<td>Chief Whip</td>
<td>Yes</td>
</tr>
<tr>
<td>22 July</td>
<td>22 July (am)</td>
<td>Chief Whip</td>
<td>Yes</td>
</tr>
<tr>
<td>12 November</td>
<td>11 November (am)</td>
<td>*</td>
<td>Yes</td>
</tr>
<tr>
<td>1975: 15 April</td>
<td>14 April (am)</td>
<td>*</td>
<td>No</td>
</tr>
<tr>
<td>1976: 6 April</td>
<td>5 April (am)</td>
<td>*</td>
<td>No</td>
</tr>
<tr>
<td>1977: 29 March</td>
<td>28 March (am)</td>
<td>Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>1978: 11 April</td>
<td>10 April (am)</td>
<td>Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>1979: 12 June</td>
<td>12 June (am)</td>
<td>Minister of Transport: Chief Whip</td>
<td>No</td>
</tr>
</tbody>
</table>

+ The Chief Whip was a member of the Cabinet Office
* For Secretariat attendance see paragraph 2.58 and Annex A, Note 17. The Secretary of the Cabinet usually attends unaccompanied.
<table>
<thead>
<tr>
<th>Date of Budget</th>
<th>Date of Cabinet Office</th>
<th>Attendances (in addition to members of the Cabinet)</th>
<th>Whether other Business Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980: 26 March</td>
<td>26 March (am)</td>
<td>Minister of Transport; Chief Whip; Minister of State, MAFF</td>
<td>No</td>
</tr>
<tr>
<td>1981: 10 March</td>
<td>10 March (am)</td>
<td>Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>1982: 9 March</td>
<td>9 March (am)</td>
<td>Chief Whip</td>
<td>Yes</td>
</tr>
<tr>
<td>1983: 15 March</td>
<td>15 March (am)</td>
<td>Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>1984: 13 March</td>
<td>13 March (am)</td>
<td>Chief Whip; Minister of State, FCO; Minister of State, Dept of Employment</td>
<td>Yes</td>
</tr>
<tr>
<td>1985: 19 March</td>
<td>19 March (am)</td>
<td>Chief Whip; Paymaster General</td>
<td>Yes</td>
</tr>
<tr>
<td>1986: 18 March</td>
<td>18 March (am)</td>
<td>Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>1987: 17 March</td>
<td>17 March (am)</td>
<td>Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>1988: 15 March</td>
<td>15 March (am)</td>
<td>Chief Whip; Paymaster General</td>
<td>No</td>
</tr>
<tr>
<td>1989: 14 March</td>
<td>14 March (am)</td>
<td>Chief Whip; Paymaster General</td>
<td>No</td>
</tr>
<tr>
<td>1990: 20 March</td>
<td>20 March (am)</td>
<td>Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>1991: 19 March</td>
<td>19 March (am)</td>
<td>Chief Whip</td>
<td>No</td>
</tr>
<tr>
<td>1992: 10 March</td>
<td>10 March (am)</td>
<td>Chief Whip</td>
<td>No</td>
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</table>
A. CABINET MEETINGS

<table>
<thead>
<tr>
<th>Year</th>
<th>Total No of Meetings</th>
<th>Government</th>
<th>Prime Minister</th>
<th>Meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1920</td>
<td>82</td>
<td>Coalition</td>
<td>Mr Lloyd George</td>
<td>1-82</td>
</tr>
<tr>
<td>1921</td>
<td>93</td>
<td>&quot;</td>
<td>&quot;</td>
<td>1-93</td>
</tr>
<tr>
<td>1922</td>
<td>72</td>
<td>Conservative (formed 23 October 1922)</td>
<td>Mr Bonar Law</td>
<td>64-72</td>
</tr>
<tr>
<td>1923</td>
<td>59</td>
<td>Conservative (formed 22 May 1922)</td>
<td>Mr Baldwin</td>
<td>29-59</td>
</tr>
<tr>
<td>1924</td>
<td>67</td>
<td>Labour (formed 24 January 1924)</td>
<td>Mr MacDonald</td>
<td>1-6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Conservative (formed 4 November 1924)</td>
<td>Mr Baldwin</td>
<td>59-67</td>
</tr>
<tr>
<td>1925</td>
<td>61</td>
<td>&quot;</td>
<td>&quot;</td>
<td>1-61</td>
</tr>
<tr>
<td>1926</td>
<td>67</td>
<td>&quot;</td>
<td>&quot;</td>
<td>1-67</td>
</tr>
<tr>
<td>1927</td>
<td>64</td>
<td>&quot;</td>
<td>&quot;</td>
<td>1-64</td>
</tr>
<tr>
<td>1928</td>
<td>58</td>
<td>&quot;</td>
<td>&quot;</td>
<td>1-58</td>
</tr>
<tr>
<td>1929</td>
<td>55</td>
<td>&quot;</td>
<td>&quot;</td>
<td>1-21</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Labour (formed 8 June 1929)</td>
<td>Mr MacDonald</td>
<td>22-55</td>
</tr>
<tr>
<td>1930</td>
<td>73</td>
<td>&quot;</td>
<td>&quot;</td>
<td>1-73</td>
</tr>
<tr>
<td>1931</td>
<td>93</td>
<td>&quot;</td>
<td>&quot;</td>
<td>1-47</td>
</tr>
<tr>
<td></td>
<td></td>
<td>National (formed 25 August 1931)</td>
<td>&quot;</td>
<td>48-73</td>
</tr>
<tr>
<td></td>
<td></td>
<td>National (formed 10 November 1931)</td>
<td>&quot;</td>
<td>74-93</td>
</tr>
<tr>
<td>1932</td>
<td>68</td>
<td>&quot;</td>
<td>&quot;</td>
<td>1-68</td>
</tr>
<tr>
<td>1933</td>
<td>70</td>
<td>&quot;</td>
<td>&quot;</td>
<td>1-70</td>
</tr>
<tr>
<td>1934</td>
<td>47</td>
<td>&quot;</td>
<td>&quot;</td>
<td>1-47</td>
</tr>
<tr>
<td>1935</td>
<td>56</td>
<td>&quot;</td>
<td>&quot;</td>
<td>1-32</td>
</tr>
<tr>
<td></td>
<td></td>
<td>National (formed 7 June 1935; re elected 22 November 1935)</td>
<td>Mr Baldwin</td>
<td>33-56</td>
</tr>
</tbody>
</table>
## A. CABINET MEETINGS

<table>
<thead>
<tr>
<th>Year</th>
<th>Total No of Meetings</th>
<th>Government</th>
<th>Prime Minister</th>
<th>Meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1936</td>
<td>75</td>
<td>&quot;</td>
<td>&quot;</td>
<td>1-75</td>
</tr>
<tr>
<td>1937</td>
<td>49</td>
<td>&quot;</td>
<td>&quot;</td>
<td>1-22</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Conservative (formed</td>
<td>Mr Chamberlain</td>
<td>23-49</td>
</tr>
<tr>
<td></td>
<td></td>
<td>28 May 1937)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1938</td>
<td>60</td>
<td>&quot;</td>
<td>&quot;</td>
<td>1-60</td>
</tr>
<tr>
<td>1939</td>
<td>(to September)</td>
<td>&quot;</td>
<td>&quot;</td>
<td>1-49</td>
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</table>
B. WAR CABINET MEETINGS AND MEMORANDA: 1939:1945

<table>
<thead>
<tr>
<th>Year</th>
<th>Meetings</th>
<th>Memoranda</th>
</tr>
</thead>
<tbody>
<tr>
<td>1939 (from 3 September)</td>
<td>123</td>
<td>475*</td>
</tr>
<tr>
<td>1940</td>
<td>312</td>
<td>1045*</td>
</tr>
<tr>
<td>1941</td>
<td>138</td>
<td>544*</td>
</tr>
<tr>
<td>1942</td>
<td>174</td>
<td>670+</td>
</tr>
<tr>
<td>1943</td>
<td>176</td>
<td>592</td>
</tr>
<tr>
<td>1944</td>
<td>176</td>
<td>767</td>
</tr>
<tr>
<td>1945 (to 30 May)</td>
<td>62</td>
<td>324</td>
</tr>
</tbody>
</table>

* includes WP(G) and WP(R) as well as WP
+ includes WP(R) as well as WP

C. CABINET MEETINGS AND MEMORANDA: CARETAKER GOVERNMENT MAY-JULY 1945

Meetings: 17 (CM(45) 1-17)
Memoranda: 88 (CP(45) 1-88)

D. CABINET MEETINGS AND MEMORANDA: LABOUR GOVERNMENT JULY 1945-SEPTEMBER 1951

<table>
<thead>
<tr>
<th>Year</th>
<th>Meetings</th>
<th>Memoranda</th>
</tr>
</thead>
<tbody>
<tr>
<td>1945 (from 28 July)</td>
<td>48 (CM(45) 18-65)</td>
<td>267 (CP(45) 89-355)</td>
</tr>
<tr>
<td>1946</td>
<td>108</td>
<td>468</td>
</tr>
<tr>
<td>1947</td>
<td>96</td>
<td>343</td>
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<tr>
<td>1948</td>
<td>82</td>
<td>309</td>
</tr>
<tr>
<td>1949</td>
<td>72</td>
<td>252</td>
</tr>
<tr>
<td>1950</td>
<td>87</td>
<td>326</td>
</tr>
<tr>
<td>1951 (to September 1951)</td>
<td>60</td>
<td>267</td>
</tr>
</tbody>
</table>
E. CABINET MEETINGS AND MEMORANDA: CONSERVATIVE GOVERNMENTS 1951-64

1951-1955 (April) (Churchill)

<table>
<thead>
<tr>
<th>Year</th>
<th>Meetings</th>
<th>Memoranda</th>
</tr>
</thead>
<tbody>
<tr>
<td>1951 (from October)</td>
<td>22</td>
<td>62</td>
</tr>
<tr>
<td>1952</td>
<td>108</td>
<td>455</td>
</tr>
<tr>
<td>1953</td>
<td>81</td>
<td>366</td>
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<tr>
<td>1954</td>
<td>92</td>
<td>402</td>
</tr>
<tr>
<td>1955 (to April)</td>
<td>28</td>
<td>96</td>
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</table>

1955 (April) – 1957 (January) (Eden)

<table>
<thead>
<tr>
<th>Year</th>
<th>Meetings</th>
<th>Memoranda</th>
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</thead>
<tbody>
<tr>
<td>1955 (from April)</td>
<td>47</td>
<td>215</td>
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<tr>
<td>1956</td>
<td>104</td>
<td>290</td>
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<tr>
<td>1957 (January)</td>
<td>4</td>
<td>14</td>
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1957 (January) – 1963 (October) (MacMillan)

<table>
<thead>
<tr>
<th>Year</th>
<th>Meetings</th>
<th>Memoranda</th>
</tr>
</thead>
<tbody>
<tr>
<td>1957 (January)</td>
<td>86</td>
<td>298</td>
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<tr>
<td>1958</td>
<td>88</td>
<td>263</td>
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<tr>
<td>1959</td>
<td>65</td>
<td>192</td>
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<td>1960</td>
<td>65</td>
<td>195</td>
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<tr>
<td>1961</td>
<td>75</td>
<td>222</td>
</tr>
<tr>
<td>1962</td>
<td>76</td>
<td>210</td>
</tr>
<tr>
<td>1963 (January to October-MacMillan)</td>
<td>60</td>
<td>186</td>
</tr>
<tr>
<td>1963 (October) – 1964 (September) (Douglas Home)</td>
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<td></td>
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<tr>
<td>1963 (from October)</td>
<td>14</td>
<td>34</td>
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<tr>
<td>1964 (to September)</td>
<td>48</td>
<td>173</td>
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### F. CABINET MEETINGS AND MEMORANDA: LABOUR GOVERNMENT 1964-70

<table>
<thead>
<tr>
<th>Year</th>
<th>Meetings</th>
<th>Memoranda</th>
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<tbody>
<tr>
<td>1964 (from October)</td>
<td>16</td>
<td>31</td>
</tr>
<tr>
<td>1965</td>
<td>73</td>
<td>187</td>
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<tr>
<td>1966</td>
<td>68</td>
<td>185</td>
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<tr>
<td>1967</td>
<td>74</td>
<td>202</td>
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<td>1968</td>
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<td>133</td>
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<td>1969</td>
<td>61</td>
<td>170</td>
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<td>1970 (to June)</td>
<td>24</td>
<td>68</td>
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### G. CABINET MEETINGS AND MEMORANDA: CONSERVATIVE GOVERNMENT 1970-1974

<table>
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<tr>
<th>Year</th>
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<td>1970 (from June)</td>
<td>48</td>
<td>126</td>
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<tr>
<td>1971</td>
<td>63</td>
<td>156</td>
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<td>1972</td>
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<td>157</td>
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<td>1973</td>
<td>63</td>
<td>140</td>
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<tr>
<td>1974 (to March)</td>
<td>11</td>
<td>10</td>
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</table>

### H. CABINET MEETINGS AND MEMORANDA: LABOUR GOVERNMENT 1974

1974 (March) – 1976 (April) (Wilson)

<table>
<thead>
<tr>
<th>Year</th>
<th>Meetings</th>
<th>Memoranda</th>
</tr>
</thead>
<tbody>
<tr>
<td>1974 (from March)</td>
<td>52</td>
<td>147</td>
</tr>
<tr>
<td>1975</td>
<td>56</td>
<td>146</td>
</tr>
<tr>
<td>1976 (to April)</td>
<td>14</td>
<td>45</td>
</tr>
<tr>
<td>1976 (from April)</td>
<td>43</td>
<td>137</td>
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</tbody>
</table>

(Callaghan)

1977-1979 (Callaghan)

<table>
<thead>
<tr>
<th>Year</th>
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<th>Memoranda</th>
</tr>
</thead>
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<td>117</td>
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<tr>
<td>1978</td>
<td>44</td>
<td>131</td>
</tr>
<tr>
<td>1979 (to 3 May)</td>
<td>14</td>
<td>28</td>
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</tbody>
</table>
## I. CABINET MEETINGS AND MEMORANDA: CONSERVATIVE GOVERNMENT 1979

**1979 (May) – 1990 (November) (Thatcher)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Meetings</th>
<th>Memoranda</th>
</tr>
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ATTENDANCE AT CABINET 1916-1945

War Cabinet 1916-19

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

Cabinet 1919-39

Between 1919 and 1939 Cabinet meetings were seldom attended by Ministers other than those in the Cabinet or by officials. (The Cabinet minutes record several complaints at the absence of Ministers, eg Cab.3(19)1, Cab.62(30)1.) In 1937 there were only a score of occasions on which Ministers not in the Cabinet attended; and the only officials to attend were the Chairman and Deputy Chairman of the Unemployment Assistance Board and the Legal Adviser to the Foreign Office. In 1938 there were 11 instances of attendance of persons other than Cabinet Ministers. In 1939 meetings were occasionally attended by the Permanent Secretaries and the Parliamentary Secretaries of the Foreign Office and the Treasury.

War Cabinet 1939-45

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

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

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

Ministers Resident, when visiting the United Kingdom, attended the War Cabinet when matters concerning them were raised: Mr Casey attended as a full member when he was Minister of State Resident, Middle East, and the others as ‘also present’. (See file 10/8/24.)
On three occasions Mr Harry Hopkins, President Roosevelt’s personal representative, attended the War Cabinet and on one occasion General Marshall, Chief of Staff to the United States Army, attended,

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

Dominion Representatives in the War Cabinet 1939-45

In 1939 it was not thought desirable to set up an Imperial War Cabinet (as had been done in the First World War) because of the difficulty of arranging for all Dominion Prime Ministers to attend; moreover, the United Kingdom was likely to be attacked from the air and the heavy pressure under which the War Cabinet was already working would be increased by special meetings of an Imperial Cabinet. Liaison arrangements between the Dominion representatives in London and the Dominions Office were, however, strengthened, and Dominion Prime Ministers and Ministers visited the United Kingdom on various occasions during the war and attended War Cabinet meetings. In May 1944 a meeting of Prime Ministers was held.

In 1942, as the result of a direct request made by the Government of Australia, it was agreed that the Australian Government should have 'an accredited representative in the War Cabinet who should have the right to be heard in the formulation and direction of policy' (WM 11(42)5, WM 12(42)1). The same facilities were offered to the Governments of Canada, New Zealand and the Union of South Africa, but not taken up by these Governments, except by New Zealand, a representative of which attended War Cabinet Meetings for a short period in 1942. In August 1941 Sir Firoz Khan Noon, as Member designate of the Governor-General's Executive Council, attended a meeting of the War Cabinet (WM 86(41)). In September 1942 the invitation given to the Dominions to send an accredited representative to attend War Cabinet meetings was extended to the Government of India (WM 16(42)1) and from September 1942 until June 1944 the Indian Government sent two accredited representatives to all Monday meetings of the Cabinet. In May 1944 it was agreed, at the meeting of Prime Ministers, that the Australian Accredited Representative in the War Cabinet should in the future be regarded as the Accredited Representative to the War Cabinet and that he would not attend the War Cabinet regularly but only 'should the circumstances surrounding the consideration of any matter indicate the desirability of the Australian Representative attending the meeting of the United Kingdom War Cabinet'.

Visiting Prime Ministers of all the Dominions attended all the current meetings of the War Cabinet including those confined to War Cabinet Ministers only, save those which were arranged for the discussion of matters of purely domestic interest. They attended as Ministers 'also present', but Field-Marshal Smuts, during his visit in the

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CONFIDENTIAL

latter half of 1943, attended 'above the line'. Visiting Dominion Ministers were invited to attend the Monday meetings only.

The principle was always maintained that neither visiting Prime Ministers nor accredited representatives could be regarded as being full members of the British Cabinet because:

a. a representative of a Dominion Government sitting in the War Cabinet could not commit his Government without prior consultation;

b. it was inappropriate that such a representative should have a voice in purely domestic affairs of the United Kingdom;

c. the presence of Dominion representatives could not affect the responsibility of His Majesty's Servants in Great Britain to the Crown and Parliament.

The Prime Minister firmly maintained the view that the British Cabinet had always the right to meet alone to discuss any subject if they so wished.

Attendance of Commonwealth representatives at Cabinet since 1946

In July 1948 Mr J B Chifley (Prime Minister of Australia), who was unable to attend the meeting of Commonwealth Prime Ministers in October of that year, came to London for a series of meetings with United Kingdom Ministers. At the outset of these meetings Mr Chifley was invited to attend the ordinary meeting of the Cabinet on 8 July 1948 (CM 48(48)). The main business of the meeting was discussion of the Fortnightly Economic Report (CP (48)173), a copy of which Mr Chifley was given in advance of the meeting.

On 17 July, 1950, Mr R G Menzies, Prime Minister of Australia, who was on a visit to the United Kingdom, attended a Cabinet meeting, at which the main business was a discussion of the international situation, with special reference to Far Eastern affairs. No memoranda were circulated, but the Chiefs of Staff came to the meeting to given an oral review of the military situation (CM 46(50)). The Secretary of the Australian Cabinet (Mr A S Brown), who had accompanied Mr Menzies to the United Kingdom, also attended this meeting. This was not the result of a considered decision; it happened that Mr Brown was in attendance on Mr Menzies outside the Cabinet room before the meeting, and was presented to the United Kingdom Prime Minister (Mr Attlee) who asked whether he would like to come in to the meeting. He did; and sat with the United Kingdom Secretariat.

On 17 June 1952, the Prime Minister of Australia (Mr Menzies), who was on a visit to this country to discuss questions of trade between the United Kingdom and Australia,
attended a Cabinet meeting. The Secretary of the Australian Cabinet (Mr A S Brown) also attended this meeting. (CC 60(52)).

On the occasion of the Commonwealth Prime Minister’s meeting in London in 1952 the Prime Ministers of Canada, Australia, New Zealand, Pakistan, Ceylon and Southern Rhodesia, together with the Ministers of Finance of South Africa and Pakistan, attended a Cabinet meeting. The discussion at the meeting was concerned solely with Foreign Affairs. (CC 102(52)).

In August 1956 the Prime Minister of Australia (Mr Menzies) attended three meetings of the Cabinet (CM(56) 59th, 60th and 61st Meetings) concerning the Suez Canal.

In June 1959 the Prime Minister of Australia (Mr Menzies) attended the meeting of the Cabinet when the Foreign Secretary (Mr Selwyn Lloyd) reported on the situation reached at the meeting of Foreign Ministers at Geneva (CC 35(59)). He was given a copy of the Foreign Secretary’s memorandum (C59) 102).

In May 1963 the Prime Minister of Canada (Mr Pearson) was introduced to the Cabinet (C(63) 28th Conclusions, Minute 6). He did not, however participate in any of the Cabinet’s discussion.

**Officials Attending Cabinet Since 1946**

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<thead>
<tr>
<th>Year</th>
<th>Official</th>
<th>Notes</th>
</tr>
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<tr>
<td>1946</td>
<td>Chief Secretary of Palestine (Sir John Shaw)</td>
<td>CM 75 (46). (Also FO officials other than the PUS on 3 occasions).</td>
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<tr>
<td>1947</td>
<td>High Commissioner for Palestine (Sir Alan Cunningham)</td>
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<td></td>
<td>General Officer Commanding Palestine (Lieutenant General MacMillan)</td>
<td>CM33(47)</td>
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<tr>
<td>1947</td>
<td>British Military Governor, Germany (General Sir Brian Robertson) CM 30 (48)</td>
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<td></td>
<td>British Deputy Military Governor, Germany</td>
<td>)</td>
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<tr>
<td></td>
<td>(Also FO officials other than the PUS on 6 occasions, Treasury officials other than the PUS on 4 occasions, An MOD official once, and a representative of Parliamentary Counsel once).</td>
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<tr>
<td>1949</td>
<td>Commissioner General for SE Asia (Mr Malcolm MacDonald, UK High Commissioner in India (Lieutenant General Sir Archibald Nye)) CM 38(49)</td>
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<td></td>
<td>C in C, Far East Land Forces</td>
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CONFIDENTIAL

AUGUST 1992
CONFIDENTIAL

(Gen Sir Neil Ritchie) (Sir Oliver Franks) CM 50(49), 51(49)
HM Ambassador, Washington
UK High Commissioner in Canada
(Sir Alexander Clutterbuck) CM 52(49)

1950
HM Ambassador, Belgrade (Sir Charles Peake) CM 66(50)
HM Ambassador, Egypt (Sir Ralph Stevenson) CM 79(50)
(Also FO officials other than the PUS on 4 occasions).

1951
HM Ambassador, Egypt (Sir Ralph Stevenson) CM 23(51)
HM Ambassador, Tehran (Sir Francis Shepherd) CM 56(51)
(Also FO officials other than the PUS on 3 occasions, and the Permanent Secretary, Ministry of Supply once).

1952
Clerk of the House of Commons (Sir Frederick Metcalf) CC 11 (52)
This was the occasion of the Cabinet meeting as a result of the death of The Sovereign.

1954
Lord Cherwell CC 47954) 4 and 5
HM Ambassador, Paris (Sir Gladwyn Jebb) CC 58(54)
UK High Commissioner, Bonn (Sir Frederick Hoyer Millar) CC 58
(54)

1955
An FCO official other than the PUS, once.

1956
Sir Alec Kirkbride CM 21(56)
Governor of Cyprus (Sir John Harding) CM 41 and 45 (56)
(Also an FO official other than the PUS on one occasion.)

1957
Governor of Cyprus (Sir John Harding) CC 23 (57)

1958
Governor of Cyprus (Sir Hugh Foot) CC 4 and 69 (59)

1961
Governor of Northern Rhodesia (Sir Evelyn Hone) CC 33 (61)

1964
Commander-in-Chief, Mediterranean
(Admiral Sir John Hamilton) CM 36 (64)

1966
Deputy Under Secretary of State Commonwealth Office
(Sir Morrice James) CC 50 (66) 3

CONFIDENTIAL

AUGUST 1992
1967
When the Cabinet met on Saturday 19 April 1967 to consider the approach to Europe ten officials from the Treasury, Foreign Office, Department of Economic Affairs, Lord Chancellor’s Office, Commonwealth Office, Home Office, Board of Trade and Ministry of Agriculture, Fisheries and Food attended to enable members of the Cabinet to put factual questions to them, this being done the officials withdrew (CC(67) 24th Conclusions).

1968
10 December 1968, Dr J M Hill, Chairman of the United Kingdom Atomic Energy Authority was invited to Cabinet to give a presentation on the principles, relative costs and implications of producing enriched uranium by the gas centrifuge method rather than the diffusion process in use at the time – after giving the presentation he withdrew before the Cabinet commenced discussions of gas centrifuge development and collaboration (CC (68) 50th Conclusions, Minute 2).

1970
Sir Denis Greenhill, Permanent Under Secretary of State, Foreign and Commonwealth Office, Mr J H Waddell, Deputy Under Secretary of State, Home Office and Mr T C Hetherington, Legal Secretary to the Law Officers, were invited to Cabinet on 12 September 1970, for the discussion of acts of violence against civil aircraft (CM (70) 15th Conclusions). Sir Dennis Greenhill was invited again on 17 September 1970, for the same subject (CM (70) 19th Conclusions. Minute 1) and on 22 September 1970 and 24 September 1970, for discussions on the situation in the Middle East (CM (70) 21st Conclusions, Minute 1 and CM (70) 22nd Conclusions, Minute 1).

The Chief of the General Staff (General Sir Geoffrey Baker) was invited to the Cabinet discussion on the role and function of British troops in the disturbances in Northern Ireland – CM (70) 7th Conclusions.

1972
Sir Denis Greenhill, Permanent Under Secretary of State, Foreign and Commonwealth Office was invited to Cabinet on 22 May for the discussion of Rhodesia (CM (72) 27th Conclusions).

1973
Lord Rothschild, the Head of the Central Policy Review Staff, and Mr Ross and Mr Wade-Gery, two members of the staff attended Cabinet on 17 September for the discussion of public expenditure. They made a presentation to the Cabinet on the competition for resources and the competition between programmes (CM (73) 41st Conclusions).

1974
Sir Kenneth Berrill, Head of the Central Policy Review Staff, attended Cabinet on 17 October 1974 for a discussion of Strategy and Priorities. His attendance was not recorded in the conclusions.
The Chancellor of the Exchequer asked that Sir Don Ryder, Industrial Adviser to the Government, should be invited to Cabinet on 22 April when it was to discuss his report on the British Leyland Motor Corporation. The Prime Minister agreed only that Sir Don Ryder should be available if the Cabinet wished to call on him to answer questions and that he should, in any case, withdraw before the Cabinet proceeded to a decision. In the event, the Cabinet did not want to ask Sir Don Ryder any questions and he did not attend the meeting.

Sir Kenneth Berrill, Head of the Central Policy Review Staff, attended a Cabinet meeting at Chequers on 20 June when economic strategy was discussed. His attendance was not recorded in the Conclusions.

Sir Kenneth Berrill also attended a Cabinet meeting at Chequers on 4 August to discuss Public Expenditure Priorities and on this occasion his presence was recorded on the front page. In addition some remarks were attributed to him in the Conclusions. However, the presence of Sir Douglas Henley (Treasury) and Mr C R Ross (CPRS) who also attended the meeting, was not recorded.

Mr K E Couzens, Deputy Secretary in the Treasury, attended the two Cabinet meetings held on Thursday 14 July for discussion of a draft White Paper on counter-inflation policy. Mr Cousens answered questions at the second meeting. He was not recorded as present at either meeting.
CHAPTER THREE

CABINET COMMITTEES

<table>
<thead>
<tr>
<th>Section</th>
<th>Paragraph</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td>3.1</td>
<td>1</td>
</tr>
<tr>
<td>Ministerial Committees</td>
<td>3.2</td>
<td>2</td>
</tr>
<tr>
<td>Groups Outside Cabinet System</td>
<td>3.3</td>
<td>2</td>
</tr>
<tr>
<td>Official Committees</td>
<td>3.5</td>
<td>3</td>
</tr>
<tr>
<td>Standing Committees</td>
<td>3.7</td>
<td>4</td>
</tr>
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<td>3.8</td>
<td>4</td>
</tr>
<tr>
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<td>3.10</td>
<td>5</td>
</tr>
<tr>
<td>Appointment of Committees</td>
<td>3.11</td>
<td>5</td>
</tr>
<tr>
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<td>3.15</td>
<td>7</td>
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<td>3.16</td>
<td>7</td>
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<td>3.18</td>
<td>8</td>
</tr>
<tr>
<td>Deputy Chairmen</td>
<td>3.19</td>
<td>9</td>
</tr>
<tr>
<td>Size and Membership</td>
<td>3.20</td>
<td>9</td>
</tr>
<tr>
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<td>3.23</td>
<td>11</td>
</tr>
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<td>3.24</td>
<td>11</td>
</tr>
<tr>
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<td>3.25</td>
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</tr>
<tr>
<td>&quot;Outsiders&quot; as Members</td>
<td>3.26</td>
<td>12</td>
</tr>
<tr>
<td>Minutes of Appointment</td>
<td>3.27</td>
<td>12</td>
</tr>
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<td>Secretaries</td>
<td>3.28</td>
<td>13</td>
</tr>
<tr>
<td>Secretaries from Outside Cabinet Office</td>
<td>3.29</td>
<td>13</td>
</tr>
<tr>
<td>Informal Meetings</td>
<td>3.30</td>
<td>13</td>
</tr>
<tr>
<td>Submission of Business</td>
<td>3.31</td>
<td>14</td>
</tr>
<tr>
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<td>3.33</td>
<td>14</td>
</tr>
<tr>
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<td>3.34</td>
<td>15</td>
</tr>
<tr>
<td>Presentations</td>
<td>3.35</td>
<td>15</td>
</tr>
<tr>
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<td>3.36</td>
<td>16</td>
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<td>3.37</td>
<td>16</td>
</tr>
<tr>
<td>Frequency and Timing</td>
<td>3.37</td>
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</tr>
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</tr>
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<td>3.41</td>
<td>17</td>
</tr>
<tr>
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<td>3.42</td>
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</tr>
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<td>3.43</td>
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</table>

CONFIDENTIAL

AUGUST 1992
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<th>Page</th>
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<tr>
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<td>3.55</td>
<td>23</td>
</tr>
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<td>3.56</td>
<td>24</td>
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Annex A Notes and Files
Annex B Committee Members from Outside Government
Annex C Outside Appointments to Secretariat
Annex D Meeting Statistics
Annex E Attendance of Outsiders
Annex F Announcements about Committees

CONFIDENTIAL
AUGUST 1992
CONFIDENTIAL

CHAPTER THREE

CABINET COMMITTEES
(The Reference Numbers are to the Notes in Annex A)

GENERAL

4.100 The Cabinet is supported by a system of Ministerial committees which operate by a devolution of authority from the Cabinet itself. The system has two purposes:

a. The mass of business engaging the collective responsibility of the Government is too great to be handled by a single body and Ministerial committees relieve the burden falling on the Cabinet. First, they do this by settling as much business as possible at a lower level. Secondly, on problems which are of such importance that they must in any event come to the Cabinet, a committee can shorten discussion in Cabinet by preliminary examination which focuses the issues and narrows down the points outstanding for the Cabinet’s decision. This often enables the Chairman of a committee to put to the Cabinet in a single memorandum issues which would otherwise come before them in separate papers submitted by several Ministers.

b. It buttresses the principle of the collective responsibility of the Government by ensuring that, even through an important question may never reach the Cabinet itself, the decision about it will be fully considered and the final judgement will be sufficiently authoritative to ensure that the whole Government can be properly expected to accept responsibility for it. Furthermore, it enables Ministers who are not members of the Cabinet to take their share in the formulation of Government policy.

Ministerial Committees

4.100 The growth of the Ministerial Committee system has been very largely an empirical one - committees are established when experience has shown the need for them and abolished when they are no longer required. The extent to which collective decision-taking is channelled through the formal committee structure below Cabinet varies from administration to administration. Some matters may be referred directly to Cabinet, particularly if they are of great importance, if they affect all members of the Cabinet, or if time is short and prior discussion to clarify and narrow the range of issues is not essential. Nevertheless, all administrations since the Second World War have found it
convenient to have a number of standing Ministerial committees and sub-
committees to deal regularly and formally with matters requiring collective
Ministerial decision in defined broad subject areas, and to set up from time to
time formal Ministerial Groups to deal with more specific and limited matters.
Machinery of this kind is desirable for handling a range of matters which do
not require consideration by the fully Cabinet either at all, or at any rate in the
first instance, but where there is a need for more authoritative and systematic
decision-taking than that afforded by informal processes.

Groups outside the Cabinet System

4.100 In practice, many matters are also settled by Ministers informally, either in
correspondence (although this will often be circulated to all members of the
relevant committee and intended simply to obviate the need for a meeting) or
at ad hoc meetings. In addition, committees may sometimes be established
outside the Cabinet system to deal with a particular subject or aspect of
policy which does not engage the collective responsibility of the Government
but affects the interests of more than one Department. The key consideration is
that matters which engage collective responsibility should ultimately be
resolved within the Cabinet system.

4.100 The extent of the use of ad hoc meetings of Ministers has varied from
administration to administration; as Prime Minister, Mrs Thatcher made
considerable use of such groups. Undoubtedly such meetings can have
attractions both in terms of the speed with which decisions are reached and in
preserving the confidentiality of the matters under discussion. Nevertheless, if
decisions are not subsequently to be referred to Cabinet for endorsement, it is
particularly important to ensure that the principles of collective responsibility
are preserved. It may not be sufficient to ensure that all Ministers with a
departmental interest are represented (especially if only one or two
Departments are directly concerned or if the subject is likely to prove
politically controversial) as there may also be more general political
implications to be considered.²

Official Committees

4.100 Administrations since the Second World War have, to varying extents, set up a
number of official committees and official groups, within the Cabinet
committee system. Unlike Ministerial committees, these do not derive
collective authority from the Cabinet itself. They exist to carry out whatever
task Ministers have assigned to them, usually the assembly of material and the
development of options or recommendations for Ministerial decision, although
one effect of the United Kingdom’s entry into the European Community has

CONFIDENTIAL  AUGUST 1992
been the establishment of official Cabinet Committees to co-ordinate the resultant interdepartmental work within Whitehall. Most interdepartmental gatherings of officials are outside the Cabinet Committee structure and are chaired and serviced by the lead Department for the matter concerned. Where however the function of an official committee or group is exclusively to support the work of a Ministerial committee or group and to report to that body collectively it is usually convenient to bring it within the Cabinet Committee structure. This may also be justified where an important area of policy or specific matter requires regular or intensive interdepartmental discussion at official level, in preparation for eventual collective Ministerial decision-taking, but where there is no obvious lead Department or where, because of the divergent interests of the Departments involved, there is a need for central and impartial co-ordination. In such circumstances setting up an official committee or group provides a neutral forum, a neutral secretariat, and, if necessary, a neutral chairman drawn from the Cabinet Office staff. It is not however justified to bring an official committee or group within the Cabinet Committee structure purely to enhance its prestige or to take advantage of Cabinet Office facilities for minute-taking, typing and distribution.

4.100 This chapter is concerned primarily with Ministerial committees and is written accordingly but generally the same practice is followed in the case of official committees.

Standing Committees

4.100 The Standing committees of the Cabinet and their sub-committees are designed to provide a regular means of handling, below the Cabinet itself, problems engaging the collective responsibility of Ministers which arise regularly throughout the year. Whenever there is a reasonable bulk of relatively homogeneous questions which can with advantage be discussed and, in many instances, settled in this way, it is the practice to establish a Standing committee to deal with them, and the principal ones tend to exist in much the same form in succeeding Administrations eg Defence and Overseas Policy Committee, Home (and Social) Affairs, Economic Strategy, Economic (and Industrial) Policy, Legislation.3

“Ad Hoc” Committees

4.100 “Ad hoc” committees or groups may be set up by the Prime Minister or the Cabinet to deal with particular subjects eg to work out the details of a policy which the Cabinet has approved in principle or to consider the Government’s response to a particular practical problem. A distinction was originally drawn between and hoc committees as such with a formal composition and terms of reference if the work was
likely to require a series of meetings over a period of months and less formal groups of Ministers (still within the Cabinet system, designated MISC or GEN) which might not have precise terms of reference or membership if the matter was considered more transient.

4.100 This practice has, however, gradually lapsed and recent practice has been for subjects which cover a fairly broad area of continuing concern to Ministers of a particular administration to be dealt with by a committee or sub-committee which is part of the main structure and for MISC or GEN groups to deal with specific and limited subjects. The limitation is often, but not invariably, temporal and there are several examples of groups which deal with specific problems which recur periodically (eg Civil Service pay negotiations). At the same time, MISC and GEN groups now almost always have well-defined memberships and terms of reference.

Responsibility of the Cabinet Secretary

3.10 The Secretary of the Cabinet has a special responsibility for advising the Prime Minister on all questions connected with the appointment and organisation of Cabinet Committees, for making suggestions on the composition and terms of reference or new committees and for maintaining a constant watch over the working of the system generally.

APPOINTMENT OF COMMITTEES

4.100 Cabinet Committees are appointed by the Prime Minister. The Prime Minister may decide (on a submission from the Secretary of the Cabinet or otherwise) that a committee should be set up to take general charge, under the direction of the Cabinet, of the development of policy in a particular field. Or, as noted above, the establishment of an ad hoc committee may be suggested to deal with a particular problem arising in a Cabinet or committee discussion.

4.100 The appointment of a new committee is notified to all concerned by the issue of a memorandum (a “constitution” notice) signed by the Secretary of the Cabinet setting out:

a. that, by direction of the Prime Minister a committee had been established with the following composition and terms of reference;

b. the names of the chairman and members;

c. the terms of reference of the committee;

d. the names of the secretaries;
4.100 In the case of both Ministerial and official committees, this memorandum is
signed by the Secretary of the Cabinet and circulated as the first paper of the new
committee. Exceptionally it may be circulated also as a Cabinet paper. In the case of
sub-committees, it is prepared by the Secretary of the parent committee in
consultation with the Secretary of the Cabinet and is circulated as the first paper of
the new sub-committee and, sometimes, as a paper of the parent committee as well.
Ministerial and official sub-committees are, however, normally established over the
signature of the Secretary of the Cabinet.

4.100 Where an ad hoc group (MISC or GEN) does not have a formal composition
or terms of reference, the agenda for each meeting shows those who have been invited
and the chairman, will, at the first meeting, recall the group’s origin and purpose.
Where an ad hoc group is given a formal composition and terms or reference a
“constitution” notice should be circulated as for a formal committee (until November
1973 it was the practice to circulate such details under cover of a letter to preserve the
fiction that they did not formally exist).

Terms of Reference

4.100 The purpose of a committee, and the scope of its work and authority, are
expressed in its terms of reference. Committees whether standing or ad hoc
committees, may be empowered by their terms of reference to decide questions on
their own authority, or be limited to making recommendations to the Cabinet or
another committee; in any case the Cabinet may at any time call for a report from a
committee. It is unusual for a committee (as opposed to a group) not to have terms of
reference, though neither the Parliamentary committee (1968-69) nor the sub-
committee on Economic Affairs (1983-1990) and its predecessors did so. In the latter
case this was because of the difficulty of laying down explicit terms of reference for a
sub-committee with general responsibilities but technically junior to a parent
committee dealing with “strategic policy issues” which hardly ever met. This did,
however, create problems in determining the boundary between E (a) and H.

Chairmen

4.100 The Chairmen of Ministerial committees or groups are appointed directly by the
Prime Minister. The general rule is for the chairman to be a Minister with no “axe to
grind” on the matters under consideration although there may be occasions on which it
is more appropriate for the “lead Minister” to be in the chair. The Prime Minister is
chairman of the Defence and Overseas Policy Committee and will also be chairman of
other important Cabinet Committees; and is entitled to take the chair of any Cabinet
Committee at any time without altering its constitution. The chairs of most other
important committees are taken by Ministers holding the sinecure offices or without
many department responsibilities eg the Lord President of the Council, the Lord Privy
Seal, the Paymaster General. As against this it was traditional until 1983 for the

CONFIDENTIAL

AUGUST 1992

CONFIDENTIAL
CONFIDENTIAL

Home Secretary to chair the Home Affairs Committee and for the Chancellor of the Exchequer to chair the committee dealing with the more routine matters of economic policy. During Mrs Thatcher's administration, the Prime Minister sometimes asked another Minister to chair the less important meetings of committees which she formally chaired. The Prime Minister decides the chairmanship of Ministerial committees, but it is open to the Secretary of the Cabinet to make suggestions (after such consultation as may be desirable). Unless the circumstances (e.g. previous discussion in Cabinet) make this unnecessary, the Prime Minister – or the Secretary of the Cabinet on behalf of the Prime Minister – normally asks the Minister concerned to accept the chair, either by minute or personally. Ministers usually, though not invariably, hold committee chairmanships by virtue of their office and give up the position on a change of office.

4.100 It is normally desirable that the chairman of a committee should be its most senior member (in terms of precedence). There is usually little difficulty about this, but there have been many exceptions to this rule. When a sub-committee is set up a member of the main committee is usually appointed to be its chairman but this is not essential.

3.18 Official Committees. The chairmanship of official committees is usually settled by the Secretary of the Cabinet in consultation with the Heads of the Departments mainly concerned with the subject matter of the committee. This consultation may be carried out by letter or in interdepartmental discussion when the scope and functions of the committee to be set up are settled (cf paragraph 3.25). In important cases the Prime Minister is informed of the proposed chairman in a submission by the Secretary of the Cabinet seeking approval generally to the setting up of the committee. The chairman's name may sometimes be given alone in the memorandum announcing the appointment of the committee, the membership being expressed as consisting of representatives of specified Departments. Very occasionally official committees are chaired by Ministers: thus the Civil Contingencies Unit consists of officials and is chaired by the Home Secretary. In fact he takes the chair only in a crisis while at other times the chair is taken by the deputy chairman who is an official.

Deputy Chairmen

4.100 Deputy Chairmen are nominated only in special circumstances, e.g. when one committee is dealing both with matters of strategy (appropriate to the chairmanship of one Minister) and with matters of routine (which can be chaired by a less senior Minister). Otherwise, if the chairman is unavoidably absent from a meeting, the
chair is taken by the senior Minister present. Deputy chairmen have also been appointed for certain official committees.

Size and Membership

4.100 The factors to be borne in mind in considering the membership of a new Ministerial committee cannot be precisely defined. Obviously, those Ministers whose Departments are primarily concerned with the subject matter will normally be members of the committee. In determining the remaining membership, personal and political factors are important; it is important also to see that individual Ministers are not excessively burdened with committee work. It is important to ensure that the balance of opinion on any committee broadly reflects the balance of view in the Cabinet as a whole so that the committee may reach decisions acceptable to the Cabinet. Subject to these constraints there is generally advantage in keeping the size of committees as small as possible. None of the Cabinet Committees is as large as Cabinet itself though committees range between 6 and 20 members. The Prime Minister may change the membership of committees at any time.8

4.100 Formal membership of Ministerial committees is generally at Cabinet Minister and Minster in charge of Department level though, with the less important committees, these Ministers are quite often represented by a Minister of State or Parliament Secretary. More latitude is also given to the territorial Secretaries of State, whose duties frequently require them to be out of London. The regular representation of a committee member in this way is, however, to be avoided as not only derogating from the importance of the committee but also making it difficult for the committee to reach authoritative decisions. Steps are taken from time to time to remind defaulters of their responsibilities: unless a Minister can make it possible for his colleagues to discuss with him personally issues which he considers important, he cannot expect to retain completely his right to appeal to Cabinet against their decision if it goes against him in his absence (see paragraph 3.58-59 below).

4.100 However, apart from committees of junior Ministers (see next paragraph) there are circumstances in which Ministers who are either not in the Cabinet or are not in charge of a Department are made members of committees:

a. Because of the heavy responsibilities of the Foreign and Commonwealth Secretary and the Chancellor of the Exchequer it is quite usual for Ministers of State at the FCO and for the Chief Secretary, Financial Secretary and Minister of State, Treasury to be members of committees in their place.
b. Where a departmental Minister chairs a committee it is normal for a junior Minister in that Department also to be a member. The chairman is thus freed to act in a non-departmental way.9

This apart, it is usual to try to avoid having two or more Ministers from the same Department on a committee. If they are in agreement on a question it gives the Department a disproportionate voice; if they are not in agreement it makes the work of the committee more difficult. Nonetheless:

c. In the "jumbo" Departments, Ministers of State have been placed on committees either in addition to or in place of the Secretary of State. This has particularly been the case when such a Minister of State has also been a member of the Cabinet. The reasoning here seems partly to be on status grounds (this applies particularly to members of the Cabinet) and partly on the grounds of the workload of the Secretary of State (see, for example folio 1 on file 15/2, Part 3).

d. Exceptionally, where a committee has been set up to deal with the policy area of one Department, a junior Minister from that Department may be appointed to the committee as well as the Secretary of State. 10

4.100 Committees of Junior Ministers. Committees consisting wholly or mainly of Ministers not in the Cabinet and junior Ministers are appointed from time to time. They are usually "ad hoc" committees set up to deal with a particular problem where, perhaps because senior Ministers have not the time to give full attention to it, it is felt that junior Ministers will be able to make a particular contribution. They have the added advantage of bringing junior Ministers more closely into the machinery of collective decision-making. On the other hand it is difficult for them to take final decisions on issues of major importance. Such committees are sometimes chaired by a member of the Cabinet, sometimes by a junior Minister.

3.24 "Mixed Committees". From time to time Governments have experimented with mixed committees of Ministers and officials. In principle there is much to be said for these where what is involved is not normal committee work but a task force approach on a complicated subject where what is needed is a blend of political thinking and technical expertise. A number of committees of this kind were established by the Conservative Government 1970-74. But there were problems: either the officials contributed little or they were thought to have too much influence, and following 1974 there was a reaction against mixed committee.11 More recently, in 1984, a number of mixed membership MISC groups were set up under the chairmanship of Lord Young (then Minister without Portfolio) to consider and coordinate Government action on a number of particular problems relating to unemployment. (See paragraph 3.18 for the special case of the Civil Contingencies Unit.)
CONFIDENTIAL

4.100 Official Committees. The membership of important official committees is usually settled by the Secretary of the Cabinet in consultation with the Heads of the Departments concerned. The normal method is for the Secretary of the Cabinet to write to them outlining the functions of the committee and asking them to nominate representatives. This is occasionally done after the circulation of the paper announcing the setting up of the committee.

4.100 “Outsiders” as Members. Sometimes official committees and, more rarely, Ministerial committees have members from outside the Government Service (but not usually from outside the public sector). Usually, however, when such persons attend meetings of Cabinet committees they do so to give evidence and not as members. 12 Annex B lists those committees (all official) which, in 1986, included members from outside the Government Service.

Minutes of Appointment

4.100 It has generally been the practice, when a Ministerial committee was appointed, for the Secretary of the Cabinet, on the Prime Minister’s behalf, to send minutes to the Ministers concerned, informing them of the Prime Minister’s decision to appoint the committee and of his wish that they should serve upon it. These minutes as a rule do not call for a reply, but it is usual to allow a short interval after their despatch before a note is circulated formally setting up the committee. (This practice was allowed to lapse for a period during the 1970s but was revived under Mrs Thatcher’s administration). Occasionally a Prime Minister has written personally to invite a Minister to chair or serve on a committee. This is most likely if the Prime Minister also wished to give instructions about how the business is to be conducted. In 1992, following the decision to announce the membership of all the Committees, Ministers were shown the proposed membership for all the Committees and given the opportunity to make representations to the Prime Minister.

Secretaries

4.100 Secretaries of all Cabinet Committees, whether Ministerial or official, are appointed by the Secretary of the Cabinet. It is the custom to appoint at least 2 (usually 3, and in any case not more than 4) secretaries to carry the workload and to act as a check on each other in the writing up of minutes 13. The secretaries are usually members of the Cabinet Office (see next paragraph). The members of the Cabinet Office who are to act as secretaries of a new committee are informed at the time when the memorandum announcing the appointment of the committee is under preparation. Arrangements will be made at the same time for the nomination of a committee clerk to assist the secretaries with clerical work for the committee.

3.29 Secretaries from outside the Cabinet Office. Where a particular Department is closely concerned with the work of a committee, a joint secretary from that

CONFIDENTIAL  AUGUST 1992
Department may be appointed by agreement between the Head of the Department and the Secretary of the Cabinet. It is very rare for a committee to have more than one “outside” secretary and, in any case, at least one of the secretaries will be from the Cabinet office. (A note on “outside” appointments to the Secretariat of Cabinet committees is at Annex C.)

3.30 Informal Meetings. The Cabinet Office is often asked to provide a Secretary to make a record of informal meetings of Ministers chaired by the Prime Minister and, occasionally, for other ad hoc meetings of Ministers. They have also in the past provided the Secretariat for various committees of Enquiry which are not strictly Cabinet Committees. The Cabinet Office has also provided Secretaries-General, Secretaries and Document Officers for a number of Commonwealth Prime Ministers’ Meetings and Colonial Constitutional Conferences but these are now undertaken by the Commonwealth Secretariat and the Foreign and Commonwealth Office respectively.

SUBMISSION OF BUSINESS

4.100 The procedure for submitting business to Cabinet Committees is similar to that for the Cabinet (see Chapter Two). Matters for consideration by Cabinet or Cabinet Committees should normally be circulated as Committee papers. If for any reason they are circulated as minutes addressed to the Prime Minister they should be regarded as subject to the same requirements as if they had been circulated as memoranda. If a Ministers wishes to raise a matter orally, his office should notify the secretaries, so that the chairman and other members may be informed. The decision as to what may and what may not be discussed lies with the chairman and it is the duty of the secretaries to advise him so far as they can.

4.100 The rules regarding prior discussion of certain aspects of proposals with the Treasury and other departments before submission of a memorandum (see Chapter Two, paragraphs 2.21 et seq) apply equally to submissions to Ministerial committees as to the Cabinet. If the committee system is to work well it is important that these rules should be observed, that the issues which come before them should be adequately prepared, and that matters which can be settled by direct discussions and correspondence between the Ministers directly concerned should not be brought to committee for resolution.

Agendas

4.100 In theory committee agendas are settled by the chairman on submission by the secretaries. In practice discretion is normally given to the secretaries to settle them, subject to points of doubt being referred to the chairman. The agendas show subjects to be discussed at the meeting (with references to relevant memoranda and any earlier discussions) and indicate those other than members of the committee invited to be present at the discussion. The receipt of the agenda is not an invitation to a meeting.

CONFIDENTIAL

AUGUST 1992
Memoranda

4.100 In general, memoranda may be submitted to a Ministerial committee by its members, by other Ministers with the permission of the chairman, by the chairman of any official committee which reports to the Ministerial committee, and by the secretaries. During its existence the Central Policy Review Staff was also able to submit memoranda. The practice of junior Ministers in a Department submitting papers to a committee when a more senior Minister in the Department is the member is to be discouraged, though if the junior Minister is also a member of the committee there is no difficulty. For information on the form, preparation, etc of committee papers see Chapter Four.

Presentations

4.100 Following the precedent set by Cabinet in relation to consideration of complex social security proposals (see Chapter Two, paragraphs 2.32 and 2.33) E(LF) began its meeting of 20 May 1985 with a presentation of the background to and outcome of the Local Government Finance Studies. This was introduced by the Secretary of State for the Environment (Mr Jenkin) and given by the Minister for Local Government and the Permanent Under Secretary of State. The presentation lasted about 70 minutes and was minuted as part of the meeting.

Forecast of Future Business

4.100 Sir John Hunt reviewed the Cabinet Committee structure in 1973 and recommended (inter alia) that regular forecasts of forthcoming Cabinet and committee business should be made. This recommendation was implemented in 1974. The forecasts are prepared by the Cabinet Secretariat, generally during each Parliamentary Recess and covering a period of three or four months ahead. The individual committee forecasts are then brought together into a single document (the Forward Look) which, after discussion by the Secretary of the Cabinet and his deputy secretaries, may then be submitted to the Prime Minister. Departments are consulted in the preparation of the forecasts which help in planning the flow of business to Cabinet and identifying potential problems although, in practice, events usually conspire to disrupt any plan over a period as long as this.

MEETINGS

Frequency and Timing

3.37 Committees meet as occasion demands. (For some recent statistics see Annex D.) But it is helpful to Ministers in planning their arrangements if regular days and times can be set aside for the meetings of the more important standing committees. From time to time, regular times have been promulgated to Ministerial offices (see file
CONFIDENTIAL

13/4) but it has never proved possible to adhere very closely to them: Parliamentary business, meetings of the Privy Council, Party meetings and the volume of other Ministerial engagements make this too difficult. This is particularly true of meetings chaired by the Prime Minister. For this reason, Thursday mornings are set aside for Cabinet and Prime Ministerial Committee meetings are often scheduled to follow the meeting of the main body (although there is a risk the Cabinet itself will take up all the time available) and at other times grouped together. Of committees not chaired by the Prime Minister, Legislation committee now has first call on Tuesday or Wednesday morning (early) and Ministers are encouraged to keep Tuesday mornings free for EDH and EDI. It is also sometimes possible to hold a meeting which does not involved the Prime Minister immediately before Cabinet.

3.38 Mornings are to be preferred to afternoons, mainly because of Parliamentary business. During 1967, the House of Commons experimented with morning sittings on Mondays and Wednesdays. This created additional problems for the planning of committee business.

4.100 Unlike Cabinet, no Provisional Arrangements are circulated for committees. But it is usual to circulate both meeting notices and agendas well in advance of meetings so that as much notice as possible is given.

Seating Arrangements

4.100 For meetings in the Cabinet Office or the House of Parliament seating plans are drawn up and place cards set out. The seating arrangements generally follow the Ministerial precedence (see Chapter Five) with the secretaries on the chairman's right. For meetings in the Cabinet Room seating plans are not prepared. Members of the Cabinet sit in their Cabinet places, others take vacant seats.

Venue

4.100 Cabinet Committees normally meet in conference rooms in the Cabinet Office, except that meetings over which the Prime Minister presides are usually held at 10 Downing Street. When the House of Commons is in Session Ministerial committee meetings may be arranged to take place in the Houses of Parliament. When Ministerial meetings take place in the House of Commons the Chief Whip's office is informed and his advice taken because of the likelihood of a division taking place during the period of the meeting and for the possible need for pairs to be arranged. Should no conference rooms in the House of Commons be available the Prime Minister's room or one of the two Ministerial conference rooms is used. The rooms of other Ministers are also sometimes used. Meetings have, from time to time, been held at Chequers: these have not usually been meetings of standing committees but of an ad hoc nature. Exceptionally, the Ministerial Committee on Economic Strategy, Sub-committee on Pay Negotiations (ES(P)) met in the Grand Hotel Brighton Conference. During the Falklands crisis in 1982 the South Atlantic
CONFIDENTIAL

Sub-Committee of the Defence and Overseas Policy Committee OD(SA) met virtually daily. Most meetings took place in 10 Downing Street but five took place at Chequers, two in the House of Commons and one in the Chiefs of Staff’s Room in the Ministry of Defence.

Attendance

4.100 Like Cabinet, committees do not have a formal “quorum”. While committee meetings provide a useful forum for the discussion of policy and for enabling Ministers to ensure that their points of view are understood and to make a contribution to the formulation of policy, their prime object is the despatch of business and the making of decisions. However, if a committee is to take a decision without referring it upwards, it is essential that attendance is sufficiently representative to preserve the principle of collective responsibility. Attendance should be restricted to the permanent members and other Ministers who have a major interest in the questions under discussion.

4.100 Committee Members: Ministers should attend the meetings of committees of which they are members. In practice a good deal will depend on the other claims on their time and on the business for discussion and, particularly for the less important committees, it is not unusual for members to be represented by their Ministers of State or Parliamentary Secretaries (see paragraph 3.21 above and paragraph 3.55 below).

4.100 Other Ministers: Subject to the concurrence of the chairman, any Minister in charge of a Department has a right to attend meetings of a Ministerial committee of which he is not a member for discussion of matters for which he is responsible (or if he cannot attend himself then he may seek to send a representative). The Law Officers are in a similar position. In general, each Department is represented by only one Minister. There are however some regular exceptions to this rule, viz:

h. Where a committee is considering business which is the departmental responsibility of the chairman a second Minister from the Department will usually attend to present the Department’s case.

i. The Chief Secretary, Treasury attends, whether or not the Chancellor of the Exchequer is also present, when public expenditure matters are under discussion.

ii. Second tier Ministers in the “jumbo” Departments usually attended on matters which were their direct responsibility.

In addition, in February 1976 Sir John Hunt agreed that where one of the Ministers of State in the Department of Industry had designated responsibilities for a particular subject or had been otherwise closely involved in it he would be invited to attend meetings of the Ministerial committee on Economic and Industrial Policy (EI) in

CONFIDENTIAL

AUGUST 1992
addition to the Secretary of State for Industry. Nonetheless Industry would not send a second Minister as a matter of routine. (See correspondence on file C485 c/1), part 1). In fact, only on two or three occasions in the following twelve months did a Department of Industry Minister of State attend on this basis. There have been a number of similar examples since but the principle of allowing Ministers of State or Parliamentary Secretaries to attend in addition to the Secretary of State where they have a designated responsibility or where they have been closely involved in a particular subject should be interpreted as narrowly as possible.

4.100 After the war, secretaries of committees were asked to take steps to see that Government spokesmen in the House of Lords were invited to meetings of Cabinet committees when matters of particular concern to them were to be discussed, eg draft Bills for which they would be responsible in the House of Lords. This practice has, however, fallen into abeyance.

4.100 As with Cabinet, Ministers who are not members should be invited to committee meetings only for the particular items in which they have an interest and, so far as possible, meeting agenda arranged to ensure that invitees are kept waiting for as short a time as possible. It is undesirable that Ministers should be summoned to a committee at very short notice (this particularly applied to Ministers who may have to come from a distance eg the Law Officers).

3.47 Chiefs of Staff: Attendance of the Chief of the Defence Staff and the other Chiefs of Staff at meetings of Ministerial Committees or Sub-Committees is at the discretion of the Prime Minister, advised by the Secretary of State for Defence. The Chief of the Defence Staff normally attends meetings of the Ministerial Committee on Defence and Overseas Policy for the discussion of issues involving questions of military strategy or the use or disposition of the Armed Forces. When the Chiefs of Staff attend the Ministerial Committee on Defence and overseas Policy, the Secretary of the Chiefs of Staff Committee attends as an additional member of the Secretariat. When the Chief of the Defence Staff attends on his own, the attendance of the Secretary of the chiefs of Staff Committee is at the discretion of the Secretary of the Cabinet; he will normally be invited to attend only when the Committee’s decisions are likely to have immediate consequences for operational decisions. 21 During the Gulf Crisis of 1990/91, the Secretary of the Chiefs of Staff did not attend meetings of OPD(G) (the “War Cabinet”) on the understanding that Cabinet Office would inform MOD speedily of any operational issues which arose. His attendance at any OPD meetings could now be regarded as having fallen into abeyance.

3.48 Officials: The attendance of officials at meetings of Ministerial committees is exceptional. 22 The attitude of chairmen to the attendance of officials varies, but, save in exceptional circumstances, attendance by officials should be discouraged. If an official is to attend, the chairman should be informed in advance and, in the case of committees over which the Prime Minister presides, specific approval must be obtained. Officials attending Ministerial meetings do not normally speak; they may,
however, be asked to explain some point in discussion at the request of the chairman or of their own Minister. Any such statements are not normally attributed to them personally in the minutes. Chairmen of official committees sometimes attend meetings of the Ministerial committee to which they report (if they are not in any case members of the secretariat to the committee) and may be asked to introduce a report by the official committee. Legislation Committee is a special case and is attended by Parliamentary Counsel and the Scottish Parliamentary draftsmen responsible for Bills and by the Private Secretaries to the Leaders of the Commons and the Lords.

4.100 Special Advisers etc: The attendance of Special Advisers at Ministerial committees is even more exceptional than officials but is not precluded provided that the chairman is content. It has been felt that if one Minister were permitted to be supported by a Special Adviser it would be difficult to deny similar requests so that the nature of the committee would be changed.22 During its existence (1970-1983) the CPRS was, however, treated rather differently and its Head and Deputy Head were members of a number of Ministerial committees and invited to others. In addition the CPRS had the right to circulate papers to Cabinet and Ministerial committee in their own names whether or not they were members of the committee. The Head of the No10 Policy Unit also occasionally attended committee meetings (not usually recorded)24 and since the demise of the CPRS it has become normal for members of the Policy Unit (which took on some of the CPRS’s functions) to do so.

3.50 Official Committees: In addition to the members or their representatives, any Department has a right to be represented at a meeting of an official committee for the discussion of matters for which their Department is responsible or in which it has a legitimate interest. Representatives of Departments attending meetings of official committees are normally held to be expressing not their personal views but the official views of their Departments. In special circumstances (eg when there has been insufficient time for prior consultation) they may state that the views expressed are personal and may reserve their Department’s position.

4.100 Special Advisers are not usually members of official committees nor is it customary for them to attend meetings.25 Exceptionally if the Head of the Policy Unit at 10 Downing Street seeks the papers of an official committee or an invitation to its meetings for himself or one of his staff there should be a disposition to say “Yes” (reference always being made to the chairman and, in cases of doubt, to the Secretary of the Cabinet) (see folio 35M on file 487/8 Part 2). This is justified in part by the fact that the Prime Minister has no departmental officials.

3.52 Outsiders: It is most unusual for persons who are neither Ministers nor servants of the Crown to attend Ministerial committees. As noted above (paragraph 3.26) several official committees have such people as members but the attendance of additional “outsiders” at meetings should nonetheless be discouraged. A list of precedents is at Annex E. It has never been the practice to pay fees for attendance at any Cabinet Committee meeting. Reimbursement of travelling expenses and the
payment of subsistence allowances has, however, been provided in some cases (see files 7/3/14 and 7/4/29). Certain advisers on the Official Histories who are members of official committees receive honoraria, but they receive these qua advisers and not qua members of Cabinet Committees. (However in 1961-1962 Sir Lionel Harris, the retired Engineer-in-Chief of the Post Office, was paid an honorarium of £100 a year for acting as chairman of the Joint Civil and Services Telecommunications committee).

Procedure

4.100 At meetings the procedure is informal, the discussion being controlled by the chairman but not subject to any rules of debate. Cabinet Committees do not vote or pass resolutions; the Minutes will record the sense of the meeting as summed up by the chairman. At one time, the secretaries were expected not to speak at meetings, except to answer questions addressed to them about the carrying out of their duties although they were entitled to ask what the conclusions where if they were not sure. Nowadays, it is regarded as normal to offer advice on matters of fact and to do such things as draw attention to relevant passages in the papers if the committee appears to have overlooked them.

4.100 Legislation. Only Cabinet and either the Queen's Speeches and Future Legislation Committee (in respect of future Sessions) or Legislation Committee (in the current Session) may authorise the inclusion of a Bill in the Government's legislative programme. Similarly policy committees may not authorise the drafting of a Bill. The giving of this authority is the individual responsibility of the Leader of the House of Commons.

3.55 Leave of Absence. Where Ministers must unavoidably be absent from meetings it is customary to inform the chairman or secretaries (who should consult the chairman in case of difficulty) in advance. In the case of committees of which the Prime Minister is chairman, approval must be obtained to the attendance of a representative. This is usually done through the Private Secretary to the Secretary of the Cabinet. If a Minister is unable to be present in person it is usually unnecessary for him to be represented unless the Department is substantially concerned in the business to be taken. In these circumstances the Minister may put a view in writing to the chairman or through some other member of the committee. Particular isolated points are sometimes communicated to the secretary, who takes steps to inform the chairman.

COMMITTEE CONCLUSIONS

4.100 In most general respects, Committee practice follows that of Cabinet itself (see Chapter Two for fuller discussion). For information on the form, circulation etc of minutes see Chapter Four.
4.100 Committee minutes are limited to a record of the decisions taken (the “conclusions”) and such summary of the discussion as may be necessary for the guidance of those who have to take action on them. The secretaries have instructions to avoid, so far as practicable, recording the opinions expressed by particular Ministers.

Dissent and Appeals to the Cabinet Office

4.100 Decisions of Cabinet Committees, like those of Cabinet itself are unanimous. If a committee cannot reach agreement or an individual Minister is unable to accept the view of colleagues the matter should be referred upward, either to the parent committee in the case of a sub-committee or to Cabinet itself.26 Commenting on the right of Ministers to reserve their position and appeal to Cabinet, the then Prime Minister, Mr Wilson, said in 1970:

“This is a basic right of all Ministers; and it must be maintained. Nevertheless, like all rights, it can be abused; and its abuse will weaken both the right itself and the whole system which exists to preserve it. If the Cabinet Committee system is to function effectively, appeals to the Cabinet must clearly be infrequent; and the chairmen of committees must clearly be free to exercise their discretion in deciding whether to advise me to allow it. It goes without saying that they must not be made lightly, and still less for reasons of mere obstructiveness; and, if they are made, they must carry with them the full authority of the Minister concerned and must be supported by very compelling arguments. It is for these reasons also that the Cabinet decided more recently that departmental Ministers should normally attend in person the meetings of all the Cabinet’s major committees; unless a Minister can make it possible for his colleagues to discuss with him personally issues which he considers to be important, he cannot except where his absence is due to factors outside his control – expect them to agree that he should have the right to appeal against their decision if it goes against him in his absence”. (M23/70, Reiterated as M11/75).

4.100 It follows from the above (and from the underlying principles of collective responsibility) that committee conclusions should not record dissent by an individual Ministers. If the matter is to be referred upward there is no decision from which to dissent; if it is not referred upward, all Ministers are bound by the decision and must accept it. 27 Note also that a Minister may not “reserve” his position, he must either accept the conclusion of the rest of the committee or seek to appeal (and the acceptance of the appeal is at the discretion, in the case of an appeal to Cabinet, of the Prime Minister).28

Confidentiality of Proceedings
Decisions reached by the Cabinet or Cabinet Committees are binding on all members of the Government. There are however normally announced and defended as the decision of the Minister concerned. On occasions it may be desirable to emphasise the importance of a decision by stating specifically that it is the decision of Her Majesty’s Government. This, however, is the exception rather than the rule.

Collective responsibility requires that Ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached. This in turn requires that the privacy of opinions expressed in Cabinet and Ministerial Committees should be maintained. Moreover Cabinet and Committee documents will often contain information which needs to be protected in the national interest. It is therefore essential that Ministers take the necessary steps to ensure that they and their staff preserve the privacy of Cabinet business and protect the security of Government documents.

4.100 As the above extract from Questions of Procedure for Ministers makes clear the proceedings of Committees are confidential and decisions are never announced as decisions of a particular committee in order to protect collective responsibility. In 1985 the BBC were, however, permitted to film the first few minutes of an E(LF) meeting on 20 May as part of a programme to mark the 250th anniversary of Downing Street. The discussion was about the progress of the Local Government Bill in the House of Lords and not about the substantive items on the agenda.

DISCLOSURE OF COMMITTEES

4.100 For a long time it was the custom to refuse to give any information (even to Parliament) about the existence, composition and terms of reference of Cabinet Committees, and the identity of their chairmen, on the basis of the arguments that announcement would give rise to ill-informed speculation about the status and authority of individual Ministers or the validity of particular decisions which might damage the collective responsibility of the Government. In exceptional circumstances some details were given publicly, particularly in time of war, and general statements were on occasion made about the Cabinet Committee structure. The main reason for such individual disclosures was that a Government found it necessary, in response to public and Parliamentary pressure, to show that it had some organisation for dealing with a particular problem.

4.100 In 1979 the new Prime Minister, Mrs Thatcher, reconsidered this policy, which had been frequently criticised in the press and by some former Ministers. While re-endorsing the policy as a whole, she decided to make a brief statement outlining in general terms the area of responsibility of the four main Cabinet Committees but reaffirming the principle of refusing to divulge further details. The text of the Answer was as follows:
CONFIDENTIAL

"I have established four standing committees of the Cabinet: a defence and overseas policy committee and an economic strategy committee, both under my chairmanship; a home and social affairs committee under the chairmanship of my right hon Friend the Home Secretary; and a legislation committee under the chairmanship of the Lord Chancellor. Attendance at these committees will vary according to the subject under discussion. Where appropriate, sub-committees of the standing committees will be established. Membership, and terms of reference of the standing committees or their sub-committees will remain confidential."

Replies to Parliamentary Questions after 1979 about Cabinet Committees referred back to the basic text and, at the beginning of each subsequent Parliament, the Prime Minister has restated the policy in a very similar Answer.

4.100 The 1992 Conservative Manifesto, in addition to the commitment to publish Questions of Procedure for Ministers (see Chapter 1) also contained a commitment to publish membership and terms of reference of all the Ministerial Cabinet Committees. The announcement, which was made by Prime Minister Written Answer on 19 May 1992, attracted a good deal of press attention at the time. As had been predicted, there was interest in league tables of Ministerial membership and some pressure for additional Ministers to be added to Committees. A copy of the Hansard is attached at Annex F. As noted above, before the announcement Ministers were given a chance to appeal on Committee membership (which had not previously been the case). There were a number of appeals on largely presentational grounds, particularly from the territorial Secretaries of State. Since the initial announcement, there has not been a great deal of interest in Committee membership.

4.100 Annex G contains details of Ministerial Committees mentioned in official statements ie in Parliamentary papers or in official press announcements before the general announcement. In addition ‘inadvertent’ references have been made from time to time eg Mr Wilson referred to “Industrial Legislation” committee and to a committee on “the public ownership of land” on 8 June 1974 (Hansard, col 209), and Dr Summerskill referred to Legislation Committee on 27 January 1975 (Hansard, col 40). (See generally file 4/1/21 and 88/1).

Disclosure of Official Committees

4.100 Although Ministers decided against announcing the details of the official committee structure, in certain circumstances it may be desirable not to withhold information about the existence of these committees. At the same time it does not follow that such information should be freely given. The arguments against such disclosure (save in special circumstances) are that the interdepartmental machinery is not readily understood outside Whitehall, and that there is a risk that disclosure would lead to ill-informed discussions on the means of improvement. In particular, for official committees, the distinction between Cabinet Committees and other

AUGUST 1992

CONFIDENTIAL
CONFIDENTIAL

interdepartmental co-ordinating machinery is not so clearly drawn as for Ministerial Committees. Finally, a relatively high proportion of official Cabinet Committees deal with security related matters.

4.100 The main circumstance under which it may be desirable to indicate the existence of an official committee is in giving evidence to Parliamentary Select Committees, in order to demonstrate that there is appropriate interdepartmental machinery for considering a particular problem. In May 1981 the Cabinet Secretary was asked to authorise the announcement of the existence of the Official Committee on Biotechnology as part of a White Paper on the subject. It was felt that this would assist the Committee in consulting outside government and would also demonstrate that the Government was following up the Spinks Report. Three partial precedents were noted but none of these were as a result of a deliberate and coherent policy. It was ultimately decided that there was no objection to indicating that an interdepartmental group of officials existed to supervise government work in this area without specifying that it was a formally constituted Cabinet Committee. This device has been adopted successfully on a number of other occasions in giving evidence to Parliamentary Committees. Nevertheless, this should be in as general terms as possible and should not reveal the detailed composition or terms of reference.

Disclosure to Foreign Governments

3.67 From time to time requests are received from Commonwealth and other governments for information about the committee structure. These are dealt with on their merits. (See, for example, file 4/5/58/10.) The meeting of Commonwealth Senior Officials in Canberra in 1976 discussed "Types and roles of Cabinet Committees in Commonwealth Governments". The Secretary of the Cabinet was invited to introduce this item and a copy of his speaking note described the British system in fairly general terms although he did refer to the main standing committees (then confidential) and illustrate his discussion by referring to one or two subjects then being handled by particular committees. (In the event Sir John Hunt did not attend the meeting and the note was spoken to by Mr Larmour, FCO.) Copies of the list of Ministerial Committees are now made freely available to overseas Governments.

4.100 Adjustments in the Cabinet Committee system - eg the appointment of a new sub-committee or GEN group - are often occasioned by particular policy developments. More substantial adjustments are often made as a result of Ministerial changes, particularly where these also involve changes in the Whitehall organisation or departmental responsibilities.

4.100 The system as a whole is also kept under review by the Cabinet Secretary on behalf of the Prime Minister. Overall reviews are carried out from time to time within the Cabinet Office and, in particular, a General Election is usually regarded as a

CONFIDENTIAL AUGUST 1992
convenient opportunity to review the system; in any case, consideration needs to be given to changes that may be required in the committee structure to reflect the policy commitments of a new Government. A number of special reviews have also been instigated by the Prime Minister of the day.32

4.100 There is no set procedure for such reviews but any proposed changes will be put by the Secretary of the Cabinet to the Prime Minister, who may wish to discuss it with senior colleagues. On some occasions the Prime Minister has subsequently circulated a general memorandum outlining the scope of the new committees and their inter-relation; detailed notes on the composition and terms of reference of new committees or changes in existing committees are circulated by the Secretary of the Cabinet in the separate committee series.

Change of Government

4.100 One of the first steps after the formation of a new Cabinet is the appointment of new Cabinet Committees (see Chapter Five). The first priority is the establishment of The Queen’s Speeches and Future Legislation Committee to prepare the Speech for the Throne setting out the new Government’s programme, closely followed by the other main standing committees, most of which have been appointed by successive administrations in one form or another. The other main committees cover Defence and Overseas Policy; Economic Policy; Home Affairs; and Legislation. In addition European Community matters were at one time considered by a separate standing committee but more recently they have been dealt with by a sub-committee of the Defence and Overseas Policy Committee (although for most purposes this acts as if it were a separate committee). Sometimes different titles are used, but even if the same titles are retained the symbols are changed (see Chapter Four). The Secretary of the Cabinet will also make such recommendations as are necessary about other Ministerial committees and sub-committees and (usually) will seek general authority to make such arrangements for official committees as are appropriate.

Committee Organisation Book

4.100 Details of the composition, terms of reference and authority of the main standing committees of the Cabinet and their sub-committees including official committees, and of ad hoc Ministerial groups, are given in the current Committee Organisation Book, copies of which are held by all Departments. The book is revised completely at yearly intervals; notes of amendments are circulated at roughly quarterly intervals.

Non-Cabinet Committees

4.100 The Cabinet Secretariat are not concerned with Committees which do not
form part of the Cabinet Committee structure except where their work impinges on that of Cabinet Committees. On occasion an interdepartmental committee has been brought into the Cabinet Committee structure; likewise the status of an official Cabinet Committee has sometimes been changed to that of an ordinary interdepartmental committee. In particular in 1957 the Joint Intelligence Committee was brought within the Cabinet Committee structure (CC(57) 82 Conclusions) so that its services could more readily be available to Ministers as well as to the Chiefs of Staff.

4.100 General responsibility for reviewing the number of interdepartmental committees, other than Cabinet Committees, and the demands they make on the time of officials rests with the Cabinet Office, Office of Public Service and Science.

CRISIS MANAGEMENT

4.100 The co-ordination of the government response to civil emergencies is performed by the Civil Contingencies Unit (see paragraph 3.18 above). There are also a number of committees (mostly official) concerned with various aspects of terrorism.

Cabinet Office Briefing Room

4.100 The Cabinet Office Briefing Room (COBR) is activated when it is clear that the Government's response to a crisis or emergency requires continuous monitoring or co-ordination within Whitehall. It is attended at an appropriate level by representatives (which may include both Ministers and officials) of all Departments concerned. In such circumstances it is the practice for the OD and Telecommunications Secretariats, who take the lead within the Cabinet office on COBR matters, to call upon other elements of the Cabinet Secretariat and the Joint Intelligence Organisation to provide the supporting staff needed to staff COBR on a 24-hour basis. The procedures for activating COBR to deal with a terrorist incident are regularly issued in an updated form by the official committee on Terrorism (TCO).

The extent to which COBR would be used in other emergencies would depend on the particular circumstances of each case; for example, in the limited war situation generated by the Falklands crisis of 1982, the special arrangements described in File No 476/3 were set up.
NOTES AND FILES

Files

13/1 Continuous review of Committee organisation.
13/2 Criteria for the inclusion of committees within the Cabinet Office Committees Structure.
13/3 Particulars of forthcoming Cabinet and Ministerial Committee business.
13/4 Standard instructions for the timing of meetings.
13/5 Reduction in the size of departmental representation on Cabinet Committees.
13/6 Lists of Committees issued to Government Departments.
13/7 Venue for meetings of Ministerial Committees when the House is sitting.
13/8 Preparation of papers for Cabinet and Cabinet Committees.
13/9 Meeting of Junior Ministers.
13/11 ‘Forward Look’ exercise.
15/2 Allocation of Ministers to Cabinet Committee duties: cases.
88/1 Disclosure of the existence of Cabinet Committees.
88/2 Procedure for the security of Cabinet and Cabinet Committee Arrangements and Agenda.
169/1 Allocation of members of the Secretariat to individual Committees.
194/3 Revision of Questions of Procedure for Ministers.
195/1 Revision of the Precedent Book.
273/2 Standing Instructions to the Secretariat on Cabinet Procedure.
273/3 Cabinet Office notes for Committee Secretaries.
273/4 Policy for Secretariat being drawn from outside the Cabinet Office.
273/5 Standing Instructions to the Committee Section on Cabinet Committee procedure.
273/7 Cabinet Committee Organisation Book.
273/8 Policy for provision of refreshments.

Notes

1. For the development of the Committee system up to 1945 see SS Wilson ‘The Cabinet Office to 1945’ (HMSO published 1975), file 4/1/56 (for the period before 1916), Jennings (pp 255-262), Anson Volume II, 91) page 133, and Gibbs ‘War Cabinet Narrative’. In the period since 1945 the use of Committees – both Ministerial and official – has been much extended. The following description is taken from a Speaking Note for the 1976 Commonwealth Senior officials Meeting:

CONFIDENTIAL
CONFIDENTIAL

'Following the Second World War we saw governments, under the influence of developing political thought, beginning to invade the whole areas of policy – both social and economic – which they had earlier been content to leave alone: and as they did so they found that the problems which they had unearthed were both more complex and more inter-related. To take just two examples, the Beveridge Report on social security revealed how wide was the range of problems underlying the simple concept of social justice; and Keynesian economics introduced a new methodology of establishing the real cost of solving those problems and of giving effect to the concept of social justice in terms of the resources at the nation's disposal. But the result has been that the Cabinet now contains 24 Ministers compared with the mere dozen or so before the First World War; that the problems which confront those 24 individuals are of a different order of magnitude and complexity, and increasingly inter-connect with one another; and that the instruments at their disposal are far more varied in number and sophistication. Cabinet Committee were developed as the main way in which to continue, in these changed circumstances, to make a reality of collective discussion and responsibility.'

2. The decision in 1984 to exclude trades unions from GCHQ illustrates the possible consequences of failing to do so. This decision was initially taken by a very small ad hoc group of Ministers most directly concerned, principally for security reasons and also to avoid premature leaks. It has been suggested that this led the government to underestimate the wider political and industrial relations consequences of the decision (in particular, the Secretary of State for Employment was not consulted).

3. For a time after the United Kingdom joined the European Communities, Community business was discussed by a separate Standing Committee but more recently this has been handled by a sub-committee of the Defence and Overseas Policy Committee.

4. At one time it was usual to give the authority for the appointment of a Committee in more detail. This might be a reference to a Cabinet Conclusion, or to a Committee’s minutes or to a decision of the Prime Minister.

5. For example, the Chancellor of the Exchequer regularly chaired meetings of E(A).

6. At one time there were several official committees at which a Minister took the Chair. Examples are the Middle East (Official) Committee before April 1949; the Materials (Allocation) Committee; the South-East Asia (Food Supplies) Committee before 1946; the Africa Committee. Similarly, the Parliamentary Secretary at the Colonial Office chaired the Cyprus Requirements Executive (1958) and the Security for Technical Co-operation chaired the Official Committee on Overseas Information Services (1963).

CONFIDENTIAL  
AUGUST 1992
7. Some examples of the formal appointment of a Deputy Chairman are set out below:

a. The Minister of Defence was Deputy Chairman of the Defence Committee from 1946 (Cmnd 6923) until 1958.

b. In March 1950, it was represented that the Lord Chancellor's special position on the Legislation Committee, where he set on the right of the Lord President (the Chairman), entitled him to higher precedence on the Front Page of the minutes than he would have received if the order given in the List of Ministers was strictly adhered to. It was therefore suggested to the Prime Minister, with the agreement of the Lord President, that the Lord Chancellor should be formally appointed Deputy Chairman, and this was agreed.

c. The Paymaster General (Lord Mills) was appointed Deputy Chairman of the Ministerial Committee on the Nationalised Industries when that Committee was reconstituted in November 1959. He was junior to three other Ministers on the Committee.

d. The Minister of Education (Sir David Eccles) was appointed Deputy Chairman of the Education Policy Committee on its reconstitution in January 1960. He was junior to three other Ministers on the Committee.

e. The Home Secretary (Mr Jenkins, later Mr Rees) was appointed Deputy Chairman of the Energy Committee from its constitution in March 1974.

f. The Lord President of the Council (Mr Short) acted as Deputy Chairman of the Ministerial Committee on Industrial Development from 1974-76.

g. The Lord Privy Seal (Lord Shepherd) acted as Deputy Chairman of the Economic and Industrial Policy Committee (EI) from April to September 1976 (and before that acted similarly in respect of the Economic Policy Committee (EC)). He was junior to eight other Ministers serving on the Committee.

h. The Civil Contingencies Unit is a rather special case. At one time the Second Permanent Secretary in the Cabinet Office was formally the Deputy Chairman (the Home Secretary was – and is – the Chairman). That post no longer exists but the Cabinet Office would normally provide the Chairman for a meeting at official level (see paragraph 3.18).
1. In May 1948, when it was proposed that Mr Dalton, who had just been appointed Chancellor of the Duchy of Lancaster, should be a member of the Defence Committee, the Minister of Defence (who had not been consulted by the Prime Minister) held that as the membership of the Committee was laid down (by appointment) in CMnd 6923 any change would need to be communicated to Parliament. This view was contested, but the Prime Minister (Mr Attlee) decided in any event to withdraw the authority he had previously given for Mr Dalton’s appointment (see file 7/2/3). Subsequently innumerable changes have been made in the composition of the Committee without publicity.

2. In September 1984, the Foreign and Commonwealth Secretary chaired the Defence and Oversea Policy Committee, Sub-Committee on European Questions with the Minister of State, Foreign and Commonwealth Office as a member; the Chancellor of the Exchequer chaired the Ministerial Steering Committee on Economic Strategy, Sub-Committee on Competition Policy with the Financial Secretary as a member; the Home Secretary chaired the Defence and Oversea Policy Committee, Sub-Committee on Home Defence with the Minister of State, Home Office, as a member.

3. Thus in September 1984, the Parliamentary Under Secretary of State, Department of Trade and Industry was a member of the Ministerial Steering Committee on Economic Strategy, Sub-Committee on Competition Policy (in addition to the Secretary of State); the Minister for Local Government, Department of the Environment was a member of the Ministerial Steering Committee on Economic Strategy, Sub-Committee on Local Government Finance (in addition to the Secretary of State); the Minister for Local Government, Department of the Environment was a member of the Ministerial Steering Committee on Economic Strategy, Sub-Committee on Local Government Finance (in addition to the Secretary of State); the Minister of State, Foreign and Commonwealth Office was a member of the Defence and Oversea Policy Committee, Sub Committee on Hong Kong (in addition to the Secretary of State).

4. Examples are:

Food Distribution (1948); the Standing Inter-Departmental Committee on Censorship (1949); Committee on Commonwealth Economic Development (1957) Ministerial Committee on emergencies: Sub-Committee on Hazardous Cargoes (1967); Ministerial Committee on Pay Negotiations: Sub-Committee on Pay Negotiations (1970); Ministerial Group on Nationality Law (1975/76) Mixed Committee on non-proliferation issues in the civil nuclear field (1977).

5. From time to time Opposition representatives and others were invited to attend meetings of the Committee of Imperial Defence and in some cases they were members of its Sub-Committees. In 1913 Lord Balfour and Lord Esher were members of a Standing Committee of the Committee of Imperial Defence on oversea attack on the
CONFIDENTIAL

United Kingdom. In 1914-15 Lord Balfour was a member of the War Council. On 11 May 1931, the Prime Minister (Mr MacDonald) stated in reply to a Question in the House of Commons: “In accordance with a precedent followed on several previous occasions His Majesty’s Government have invited the other parties to be represented on the Sub-Committee of the Committee of Imperial Defence, which is engaged on the consideration of problems connected with the forthcoming Disarmament Conference. The ultimate responsibility for the policy decided on will, of course rest with His Majesty’s Government” (Hansard Col 805). In 1935-37 Mr Churchill was a member of the Sub-Committee on Air Defence Research (ADR, 4th-12th Meetings).

6. It is comparatively rare for a Committee to have only one Secretary. At the end of 1984, however, this was the case with six official Committees (Official Committee on European Questions, Working Group on Legal Aspects; Working Group on Staff in Community Institutions; Committee on Official Histories of Peacetime Events, Officials Committee on Population; Official Committee on Government Telecommunications and the Royal Visits Committee).

13. At the end of 1984, the only Ministerial Committee with a Secretary from outside the Cabinet Office were the Defence and Oversea Policy Committee and its sub-committee on the Management of Political and Military Emergencies Overseas which have the Secretary of the Chiefs of Staff Committee as an additional secretary at meetings at which the Chiefs of Staff are present. The Secretary of the Chiefs of Staff committee may under some circumstances also attend meetings which the Chief of the Defence Staff is invited on his own (see paragraph 3.47). In addition, the Private Secretary to the Minister without Portfolio (Lord Young) acted as one secretary of MISCs 107 and 108. Both these Groups were chaired by Lord Young, who was located in the Cabinet Office. It is also worth noting that one of the secretaries to MISC 3 was provided by the Cabinet Office, Management and Personnel Office in addition to the relevant Secretariat. In addition, some 25 official committees, sub-committees and working groups had at least one secretary provided by another Government Department.

14. When Mr Morrison was Lord President in the Labour Governments of 1945-51 his office provided a Joint Secretary for some of the principal Committees dealing with domestic affairs, notably the Lord President’s Committee (the predecessor of Home and Social Affairs Committee). See note 14 above for the recent similar case relating to the Private Secretary to the Minister without Portfolio.

15. Examples are: Committee of Enquiry into the Procedure for Ordering Civil Aircraft (1948); Committee on Intermediaries (1949); Committee of Privy Counsellors on Security Matters (1955); Committee on the Remuneration of the Higher Civil Service (1957); the Review Body on Doctors and Dentists Remuneration (1962); Tribunal of Enquiry into the Vassal Case (1962); Security Commission (appointed 1964); and the Committee of Privy Counsellors on Cabinet Document Security (1976).

CONFIDENTIAL

AUGUST 1992
16. There are exceptions. When a junior Minister accompanies a Secretary of State it is usually more convenient to seat them together. In Legislation Committee (during Mrs Thatcher’s Administration) it was normal for the Chief Whip to sit next to the Leader of the House of Commons (the Chairman of the Committee) and for the Lords Chief Whip to sit next to the Leader of the Lords. The Lord Chancellor also sat above the Lord President (although the latter was higher in the order of precedence).

17. Exceptionally, a meeting of the Colonial Policy Committee was held at the Colonial Secretary’s house on 4 January 1958 (CPC(58) 2nd Meeting), partly for convenience as it was a Saturday morning and partly because he was not well. Mr Selwyn Lloyd and Mr Maudling, as Chancellors of the Exchequer, held meetings of the Economic Policy Committee in their own rooms in the Treasury. But this practice is to be discouraged. See Minute on File 7/1/23 Part II regarding Mr Heath’s proposal which he agreed not to press – that he should hold meetings of the Regional Development Committee in his own room (as Secretary of State for Industry in 1963).

A meeting of the Ministerial Committee on Emergencies was held at Room 240, Home Office in March 1967 (ME(67) 1st Meeting) and the Official Committee on Emergencies has met at the Home Office on several occasions. Room 240, Home Office was then the “command post” for any Government action that had to be taken during an emergency and it was expedient for the Committees planning and authorising such action to be located at the nerve centre. Conference Room F in the Cabinet Office is now used for this purpose.

18. It is undesirable on security grounds, that a Committee eg the Defence and Overseas Policy Committee, should meet in the house of Commons to discuss very secret matters. If, exceptionally, it does so then it should meet in the Prime Minister’s room (which is secure) or steps should be taken to make the Conference rooms in the House of Commons secure before any such meeting is held there.

19. The Ministerial Committee on Devolution Strategy held meetings at Chequers during the period 1974-76.

20. The rules on the attendance of the Chiefs of Staff were reiterated in September 1984 in correspondence between the Cabinet Secretary and the Permanent Under Secretary of State, Ministry of Defence. This had been prompted by the special circumstances of the Falklands campaign (see note 22) and by the reorganisation of the Ministry of Defence.

21. The arrangements for OD(SA) during the Falklands crisis were exceptional. The sub-committee (often referred to as the ‘War Cabinet’) was responsible for day-to-day management of the crisis and met almost daily (including five Sunday meetings and one Saturday meeting). The Chief of the Defence Staff and Sir Antony Acland the PUS, FCO were regular attenders (as was the retiring PUS, FCO, Sir Michael Palliser,
who was attached to the Cabinet Office for the duration). In addition the following attended exceptionally:

a. **Military Advisers:** Chiefs of naval, General and Air Staff, Admiral Sir John Fieldhouse (C-in-C Fleet), Lt Gen Sir James Glover, (MOD), Maj-Gen J Moore (Fleet HQ).

b. **FCO Officials:** Sir Anthony Parsons, Sir Ian Sinclair, Mr P R H Wright, Mr J R Freeland.

c. **MOD Officials:** Sir Frank Cooper (PUS), Sir Arthur Hockaday.

22. In 1980 it was agreed that Mr David Young (the Special Adviser of the Secretary of State for Industry, Sir Keith Joseph) could attend the Ministerial Sub-Committee on the Disposal of Public Sector Assets as an observer but should not participate in discussion. This arrangement was intended to make it easier for Sir Keith Joseph to draw on Mr Young’s specialist advice without encouraging other Ministers to bring their own advisers, which would have effectively turned the Committee into a “mixed” one.

24. This arrangement was adopted in 1981 for Mr Ferdinand Mount, the Head of the Policy-Unit and for the attendance of Professor Alan Walters, the Prime Minister’s Personal Economic Adviser, at meetings of E and EX.

25. By 1985 members of the No10 Policy Unit did, however, participate fully in a number of “mixed” MISC groups under the Chairmanship of Lord Young. These groups did not make a distinction between members and invitees. It was suggested in the light of this that there was less objection to Special Advisers attending official or “mixed” Committees. A Treasury Special Adviser was subsequently allowed to attend MISC 115 – a “mixed” Committee on Tourism and Leisure.

26. When the then Secretary of State for Defence, Mr Heseltine, was isolated in discussion in E(A) at the end of 1985 over the future of Westlands there was little point in his appealing to Cabinet as the E(A) membership was virtually identical to Cabinet itself.

27. Only two occasions are known where a Minister’s dissent from the conclusions has been recorded in the minutes:

a. In July 1956 the Minister of Pensions (Mr Boyd-Carpenter) disagreed with a decision reached by the Home Affairs Committee (HP(56) 15th Meeting) on the Egg Marketing Scheme, and asked that his dissent should be recorded in the minutes. The Secretaries complied with this request, but the minutes were subsequently amended, after reference to the Secretary of the
Cabinet and with Mr Boyd-Carpenter’s agreement, to record his disagreement with the particular proposal under discussion and not with the Committee’s eventual decisions on that proposal (see File 4/1/6E).

b. In May 1965, the Minister of Technology (Mr Frank Cousins) disagreed with a decision reached by the Sub-Committee on Prices and Incomes of the Ministerial Committee on Economic Development (ED(PI)(65) 12th Meeting, Minute 1) on the extent of the authority to be given to the Atomic Energy Authority to offer pay increases for their industrial workers, and asked that his dissent should be recorded in the minutes. It had been suggested to the Chairman of the Sub-Committee (the first Secretary of state and Secretary of State for Economic Affairs) that in the event of a disagreement the matter should be referred to Cabinet. He did not, however, follow up this suggestion since the Minister of Technology did not press it. The Secretaries complied with the Minister’s request that his dissent should be recorded in the minutes. Since he did not press for reference to the Cabinet, it was assumed that he accepted collective responsibility for the decision, and that the record of his dissent did not breach the principle of collective responsibility. (see file 4/1/6E).

28. In the past, difficulty has sometimes arisen over public expenditure decisions, when the Minister primarily responsible, the Chief Secretary, has not been in the Cabinet. This led Mr MacMillan in 1961 to circulate a Cabinet paper asking his colleagues “to recognise that in [this field] the chief Secretary has the same power of decision as the Chancellor of the exchequer would have....”. Later it was made a general rule that treasury Ministers should not be overruled on public expenditure decisions in Committees without reference to Cabinet. The Cabinet decided on 5 February 1976 that:

“...It was .... important that as far as possible any new measures involving public expenditure should be accommodated within existing Departmental totals, by offsetting savings wherever that was necessary. Where that was not possible-and where Treasury Ministers, who were normally in a minority of one on policy Committees, were not ready to accept the additional expenditure as a charge on the Contingency Reserve – the matter would have to be referred by the appropriate Ministerial policy Committees to the Cabinet. This would mean that Treasury Ministers should not be overruled without reference to Cabinet”. (CC(76) 4th Conclusions, Minute 4).

29. These arguments are set out at some length in a personal minute from the Prime Minister (Mr Callaghan) to his Cabinet colleagues in 1978 (M6/78 of 8 February 1978). It is interesting to note that Mr Callaghan was not even prepared to contemplate public recognition of the standing committees as he believed that it would not prove possible to prevent further disclosure.
30. The three examples cited were:

a. Cmd 5046 on the Framework for Government Research and Development, which referred to "the establishment of the Committee of Chief Scientists and Permanent Secretaries under the chairmanship of the Secretary of the Cabinet".

b. The Department of Industry's inadvertent disclosure of the Information Technology Committee at a press conference in September 1980.

c. The reference by the Parliament Under Secretary, Department of Industry in a House of Commons debate on 11 July 1980 to the existence of an interdepartmental group of officials responsible for space policy.

25. In July 1981 the existence of a Cabinet Committee on Information Technology was again inadvertently disclosed during the examination of witnesses by the House of Lords Select Committee on the European Communities.

26. A special review of Cabinet Committees and Ministerial Committee work was carried out in 1945 leading to a major change in the structure in the 1947 reconstruction of Mr Attlee's Government. A review of official committees was carried out in 1951 by the new Conservation government under Mr Churchill. More recently, Sir John Hunt undertook a review of the committee structure in 1973 and another substantial review took place in 1975.
Commitees Including Members from Outside the Government Service (1986)

Official Committee on Relations with the Developing Countries

Nuclear Policy (Official) Committee

Personnel Security Committee

Official Committee on Communications for Royal Tours Overseas

Security Committee on Electronic Information Processing

Official Committee on Security

Security Policy and Methods Committee

Official Committee on Government Telecommunications
Sub-Committee on Frequencies
National Frequency Planning Group

Official Committee on Terrorism

Official Committee on Terrorism Sub-Committee on Policy and Operations
‘OUTSIDE’ APPOINTMENTS TO THE SECRETARIAT OF CABINET COMMITTEES

It has been a long standing Cabinet Office practice to appoint to the Secretariat of some Cabinet Committees, both Ministerial and official, a Secretary (rarely two) from outside the Cabinet Office. The ‘outside’ Secretary would be drawn from the Department with the leading interest in the Committee’s subject matter; often he would be from the same Department as the Committee’s Chairman.

The practice of ‘outside’ appointments to the Secretariat of Cabinet Committees has recently been reviewed in the light of our experience of its working. The general conclusions are:

a. The principal advantage of appointing an ‘outside’ Secretary to a Committee is to provide a point of contact in a Department with which the work of the Committee involves dealing particularly closely. (The existence of an ‘outside’ Secretary should not, however, be allowed to inhibit the freedom of the Cabinet Office Secretary to contact whomever he chooses in the Department.) In these circumstances on ‘outside’ Secretary can be a useful means of obtaining detailed information form within a Department or collating the views of various sections within it; additionally he can often serve a valuable purpose in preparing papers for the Committee, giving assistance in the drafting of reports and arranging for immediate action to take place following decisions of the Committee. He can also be useful in giving advice on the technical and specialised aspects of the work of some of the more esoteric Committees – although in the absence of an ‘outside’ Secretary help of this kind can often be obtained in other ways, eg from members of the Committee. Where an ‘outside’ Secretary comes from the same Department as the Chairman, he serves as a useful means of contact with him also.

b. On the other hand departmental appointments to the Secretariat of Cabinet Committees are not always popular with other Departments represented on the Committee, who may feel that the existence of a departmental Secretary (particularly if the Chairman is also drawn from the same Department) gives that Department’s views too great weight on the committee. There is also some reason to think that Ministers prefer Ministerial meetings to be attended only by Cabinet Office Secretaries and not by departmental officials acting in a secretarial capacity.
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c. Experience shows that, although a few individual 'outside' Secretaries have given useful help with notetaking, in general it is better not to look to 'outside' Secretaries for help of this kind. Having possibly a heavy load of departmental work in addition to their secretarial responsibilities, they cannot be relied on to produce minutes as promptly as Cabinet Office practice requires; and they are unlikely to be familiar with Cabinet Office minuting standards or to have sufficient opportunity to become proficient. Furthermore some 'outside' Secretaries may wish to feel entitled to given undue weight to their departmental point of view in minutes and may wish to clear the text with the Chairman if he also comes from their Department.

d. In the light of the consideration set out above, 'outside' appointments to the Secretariat of Cabinet Committees should, as far as possible, be restricted in future to Committees which are technical or specialised, and have a particularly close connection with one Department such as to make the appointment acceptable to other Departments represented on the Committee. On occasion there may be tactical considerations in favour of an 'outside' appointment, eg, if it reconciles a Department to a proposal to set up a Committee to deal with a subject within its purview or to make that Committee a Cabinet and not a departmental Committee: but it may prove possible for such as appointment to be limited in practice to an initial period of the Committee's work. In any event, 'outside' Secretaries should not normally be appointed, or looked, to, for additional help in minute taking.

(Signed) BURKE TREND

15th November 1966
### Meeting Statistics

Complete statistics are held by Cabinet Office Committee Section. This Annex contains figures for illustrative years for each Prime Minister since 1970 and figures for the most recent years only, as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Prime Minister</th>
<th>Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973</td>
<td>Mr Heath</td>
<td></td>
</tr>
<tr>
<td>1975</td>
<td>Mr Wilson</td>
<td></td>
</tr>
<tr>
<td>1978</td>
<td>Mr Callaghan</td>
<td></td>
</tr>
<tr>
<td>1981</td>
<td>Mrs Thatcher (first)</td>
<td></td>
</tr>
<tr>
<td>1982-</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>1983-</td>
<td>&quot;</td>
<td>(first/second)</td>
</tr>
<tr>
<td>1985-</td>
<td>&quot;</td>
<td>(second)</td>
</tr>
<tr>
<td>1987-</td>
<td>&quot;</td>
<td>(second/third)</td>
</tr>
<tr>
<td>1989-</td>
<td>&quot;</td>
<td>(third)</td>
</tr>
<tr>
<td>1990-</td>
<td>&quot;</td>
<td>(to November)</td>
</tr>
<tr>
<td>1991</td>
<td>Mr Major</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Committee</th>
<th>No of Meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973 (Heath)</td>
<td></td>
</tr>
<tr>
<td>Cabinet</td>
<td>63</td>
</tr>
<tr>
<td>Ministerial</td>
<td>235</td>
</tr>
<tr>
<td>GEN series (Ministerial)</td>
<td>172</td>
</tr>
<tr>
<td>GEN series (Official)</td>
<td>161</td>
</tr>
<tr>
<td>Official</td>
<td>399</td>
</tr>
<tr>
<td><strong>Total Number of Meetings</strong></td>
<td><strong>1,030</strong></td>
</tr>
<tr>
<td>4 (Wilson)</td>
<td></td>
</tr>
<tr>
<td>Cabinet Office</td>
<td>52</td>
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<tr>
<td>Ministerial</td>
<td>268</td>
</tr>
<tr>
<td>MISC series (Ministerial)</td>
<td>51</td>
</tr>
<tr>
<td>MISC series (Official)</td>
<td>99</td>
</tr>
<tr>
<td>Official</td>
<td>298</td>
</tr>
<tr>
<td><strong>Total Number of Meetings</strong></td>
<td><strong>768</strong></td>
</tr>
<tr>
<td>Committee</td>
<td>No of Meetings</td>
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<tr>
<td>---------------------------------</td>
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<tr>
<td></td>
<td>Total Number of Meetings</td>
</tr>
<tr>
<td>Committee</td>
<td>No of Meetings</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Cabinet</td>
<td>37</td>
</tr>
<tr>
<td>Ministerial</td>
<td>135</td>
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<tr>
<td>MISC series (Ministerial)</td>
<td>86</td>
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<tr>
<td>MISC series (Official)</td>
<td>58</td>
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<tr>
<td>Official</td>
<td>193</td>
</tr>
<tr>
<td><strong>Total Number of Meetings</strong></td>
<td><strong>509</strong></td>
</tr>
</tbody>
</table>

*Note: The figures are distorted by the unusual number of meetings generated by the Falklands crisis, during which the “War Cabinet” (a sub-Committee of OD) met daily. There were also a number of additional Cabinet meetings.*
<table>
<thead>
<tr>
<th>Committee</th>
<th>No of Meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990 (Major)</td>
<td></td>
</tr>
<tr>
<td>Cabinet</td>
<td>3</td>
</tr>
<tr>
<td>Ministerial</td>
<td>8</td>
</tr>
<tr>
<td>MISC series (Ministerial)</td>
<td>1</td>
</tr>
<tr>
<td>MISC series (Official)</td>
<td>3</td>
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<tr>
<td>Official</td>
<td>15</td>
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<tr>
<td><strong>Total Number of Meetings</strong></td>
<td><strong>30</strong></td>
</tr>
<tr>
<td><strong>Overall total for 1990</strong></td>
<td><strong>387</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Committee</th>
<th>No of Meetings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991 (Major)</td>
<td></td>
</tr>
<tr>
<td>Cabinet</td>
<td>38</td>
</tr>
<tr>
<td>Ministerial</td>
<td>141</td>
</tr>
<tr>
<td>MISC series (Ministerial)</td>
<td>31</td>
</tr>
<tr>
<td>MISC series (Official)</td>
<td>16</td>
</tr>
<tr>
<td>Official</td>
<td>122</td>
</tr>
<tr>
<td><strong>Total Number of Meetings</strong></td>
<td><strong>348</strong></td>
</tr>
</tbody>
</table>
ATTENDANCE OF 'OUTSIDERS AT CABINET COMMITTEES

4 The United States Ambassador, United officials and officials of the International Bank and of the Anglo-Iranian Oil Company occasionally attended meetings in 1951-53 of the Persia (Ministerial) or the Persia (Official) Committees. Care was taken, however, particularly in the case of the Ministerial Committee, to ensure that the information given about the business of the Committees was kept to a minimum. The people concerned were admitted only to discuss specific matters and were present only for those matters. Only extracts of the minutes have been sent to them after the meetings. Before they entered meetings the Committee had a preliminary discussion in order to ensure that no conflict of views arose between members when these outsiders were present. (See PO(51) 2nd Meeting, PO(52) 2nd Meeting, PO(O)(53) 1st Meeting).

4 Meetings of the Official Committee on Emergencies dealing with the floods disaster in early 1953 were attended by representatives of the Red Cross, the St John Ambulance Brigade and the Women's Voluntary Services. Owing to the exceptional nature of these meetings the representatives received full copies of the minutes. (EC(0) (53) 2nd Meeting).

4 In 1957 the Chairman (Lord Perth) of the Committee on Commonwealth Economic Development received a request from Lord Reith to give evidence to the Committee about the Colonial Development Corporation, of which he was Chairman. The Committee felt, however, that it would be difficult to afford special treatment to Lord Reith without inviting similar requests from other people, eg from the Commonwealth Development Finance Company, and that there would be a danger of their losing the essentially confidential character of a Cabinet Committee. The views of such outsiders as it was desired to obtain were made available through individual members of the Committee (CED(57) 12th Meeting, April 1957). (See file no 7/2/290.) Similar questions arose over the Working Party on Forestry Policy (FP(57)) and a similar line was taken.

4 One of the meetings of the Committee on Britannia Aircraft in October 1957 (GEN 615/2nd Meeting) was attended for part of the time by two outsiders – viz the Chairman of the British Overseas Airways Corporation (BOAC) and the Managing Director of the Bristol Aeroplane Company, who took part in the discussion. Copies of the relevant item of the Minutes (but not the front-page) were sent to these two outsiders. The meeting was not however concerned with policy so much as with obtaining the facts in an emergency situation. (See file no 31/5/20.)
5. A slightly different situation occurred when Sir Humphrey Trevelyan, in his capacity as Adviser to the United Nations, discussed a proposed surcharge on shipping using the Suez Canal Sub-Committee of the Middle East Official Committee. It was decided not to treat this as a meeting of the Sub-Committee; but a record was taken and was subsequently circulated as a memorandum in the Sub-Committee’s series. (See file 48/1/5.)

6. At the meeting of the Civil Aviation Policy Committee on 28 July 1958 (CA(58) 2nd Meeting), Sir George Edwards and Mr Peter Masefield, Managing Directors of Vickers Armstrong (Aircraft) and the Bristol Aeroplane Company respectively, each gave evidence separately to the Committee on the subject of differential fares; they then withdrew from the meeting and took no part in discussion. They did not receive the Minutes or extracts of the Minutes of the meeting.

1. At the meetings of the Civil Aviation Policy Committee on 1 and 29 September 1958 (CA(58) 3rd and 4th Meetings), Lord Douglas of Kirtleside and Sir Gerald d’Erlanger, Chairman of BEA and BOAC respectively, were present and gave evidence jointly on differential fares. They took part in subsequent discussion but withdrew before the end of the meeting. Both received extracts from the Minutes of the meeting.

2. The Chairman and Deputy Chairman of the British Travel and Holidays Association were invited to attend the meeting of the Ministerial Committee on Tourism on 18 January 1961, to answer questions arising out of a paper by the BTHA on the requirements of the tourist industry in 1961 (CT(61) 2nd Meeting). The paper had been circulated as an appendix to a memorandum by the Minister of State, Board of Trade. A copy of the Minute (but not the front page) reporting the discussion was subsequently sent to the Chairman of the BTHA for his personal use. As there was no discussion between Ministers at the meeting, the Minute was no more than a record of the answer given by the BTHA.

9. At the meeting of the Committee on Civil Scientific Research and Development on 13 July 1962 (CSR(62) 3rd Meeting), Sir George Edwards, Managing Director of the British Aircraft Corporation, and Sir Arnold Hall, Managing Director of Bristol-Siddeley, gave a technical presentation of the proposals for a supersonic airliner to be developed as a joint British and French enterprise. They addressed the Committee and answered a number of questions. The Committee reserved discussion of the project for their next meeting.

9. Sir Robert Shone, Director General of the National Economic Development Office, attended by invitation a meeting of the Economic Development (Official) Committee on Monday 19 July 1965 (ED.O(65) 11th Meeting), when the Committee were discussion the national economic plan. This was not a complete innovation: he had attended a meeting of the Economic Steering (General) Committee (ES(G)(64) 6th Meeting) under the previous Administration.
11. In 1976 Lord Ryder (Chairman of the National Enterprise Board) attended a meeting of the Ministerial Group on the Automobile Industry (MISC 59). This occurred when it was discussing a paper which Lord Ryder had circulated shortly before when he was Industrial Adviser to the Government.

12. In 1976 the Governor and Deputy Governor of the Bank of England attended several meetings of the Ministerial Group on the commodity Markets (GEN 21).

13. In 1975, the Prime Minister agreed that Professor Parry of Cambridge University might be consulted on a point of law that had arisen in connection with the work of the ministerial Group of Nationality Law (MISC 64). This agreement was on the basis that the consultation would be on a strictly departmental basis and that Professor Parry would not be associated in any way with MISC 64 or with the preparation of advice for Ministers. He did not attend any meetings of the Group. (see file 68/14 Part 1, folios 29 et seq).

14. HRH The Prince of Wales, while visiting 10 Downing St on 13 February 1979 as part of his 'education', sat-in on a meeting of the Ministerial Committee on Economic Strategy which discussed Concorde Finance, Imports; and UK Refinery and UK Continental Shelf Oil Disposal Policy (EY(79) 2\textsuperscript{nd} Meeting).

10. Lord Harlect attended a meeting of the Defence and Oversea Policy Committee on 5 July 1979 for a discussion on Rhodesia (OD(79) 3\textsuperscript{rd} Meeting).

16. Sir Arthur Knight, National Enterprise Board and Mr I Barron, Inmos Ltd attended a meeting of the Ministerial Committee on Economic Strategy: Subcommittee on Economic Affairs on 6 March 1980 for a discussion on INMOS: Finance and Factory Location (E(EA)(80) 5\textsuperscript{th} Meeting).
Announcements About Committees before 1992

1. The War Period

During the Second World War general statements were made in Parliament from time to time about the adjustment of the Committee system to meet changing needs. The most important of these statements are:

a. Initial War Cabinet Committee Organisation: Hansard, House of Commons, 1 February 1940, Cols 1262-4 – statement by the Prime Minister (Mr Chamberlain).


c. Further developments: Hansard, House of Commons, 21 January 1941, Cols 81-150, 261 et seq.


The Prime Minister also made announcements about Committees on the domestic side eg on a new committee on housing on 29 November 1944.

1. The Post-War Period

b. Ministerial Committee on Civil Defence: in the debate on the Second Reading of the Civil Defence Bill the Home Secretary made a number of general references to the existence of the Committee. See Hansard, House of Commons, 30 November 1948 (Col 1827).

c. Economic Policy Committee: in the statement issued from 10 Downing Street when Sir Stafford Cripps was appointed Minister for Economic Affairs in 1947 it was announced that there would be a "a new Ministerial Committee on economic planning whose scope will cover the major issues of both internal and external economic policy". Details were given, without authority, by Mr Francis Williams (who was Adviser on Public Relations to the Prime Minister from 1945 to 1947) in his book "The Triple Challenge" published in 1948. (See file 4/1/3).

d. Production Committee: in the statement issued when Sir Stafford Cripps was appointed Minister of Economic Affairs in 1947 it was announced that he would preside over a Committee of Ministers concerned with the day-to-day handling of production questions (see file 4/1/3 Part 3). (Details were given by Mr Francis Williams without authority in 1948: see above).

e. Legislation Committee: its functions were outlined in Sir John Anderson's Romanes Lecture in 1946. It is generally known to be one of the standing Committees.

f. In 1948 the Civil Aviation Committee was frequently mentioned in (unauthorised) press references, which also indicated that the Lord Privy Seal was Chairman. (See file 4/1/21.)

g. Committee on Services Land Usage: in an Adjournment Debate on 20 December 1946 (Hansard, Col 2412) the Secretary of State for War referred to the Committee on Services Land Usage, without naming it as such, and gave details of its membership and activities. This reference was made without previous consultation with the Prime Minister and the matter was taken up with the War Office later. (See file 4/1/21.)

h. The Committee on the British Broadcasting Corporation which was appointed by the 1951 Conservative Government was frequently mentioned in the press.

i. On 19 July 1962, shortly after Mr Butler's appointment to the new post of First Secretary of State, the Prime Minister told the House of Commons that, in addition to his other duties, the First Secretary of State would continue to lead the Ministerial group charged with the oversight of the
CONFIDENTIAL

elsewhere the membership of the Committee”. See Hansard, House of Commons, Vol 763, Cols 999-1000.

n. Ministerial Committee on Emergencies and Civil Contingencies Unit: in reply to a Question in June 1969 regarding Ministerial responsibility for flood protection activities the Prime Minister (Mr Wilson) said “The Ministerial Committee on Emergencies is a long-standing arrangement under successive Governments and takes charge completely”. See Hansard, House of Commons, Vol 785, Cols 1211-1212. When the Emergencies Committee was superseded by the civil Contingencies Unit in 1972, no announcement was made; but the existence of the CCU is now well known by the press and the existence of a committee to co-ordinate Government response to civil emergencies has been acknowledged in a number of Parliamentary Answers.

o. Ministerial Group on the Drought: a group of Ministers (GEN 33) met in August and September 1976 to discuss the water shortage then prevailing. At their first meeting they agreed that the Prime Minister’s office should “issue a press statement on the outcome of the meeting”. In fact the press statement dealt primarily with the appointment of Mr Denis Howell to co-ordinate all matters connected with the supply of water during the drought and mentioned the Ministerial Group only in passing: “... was present at the meeting of Ministers held.... Today to consider the situation”.

p. Ministerial Group on Urban Policies (GEN 38): in September 1976, the announcement that the Secretary of State for the Environment would assume special responsibility for inner cities included a reference to his chairing a Cabinet Committee on the subject. There were subsequently a number of Parliamentary references to the existence of the Committee and to its work, but no questions were asked about its membership or terms of reference. Nor was its precise title revealed.

q. Defence and Oversea Policy, Sub-committee on the South Atlantic (OD(SA)): This sub-committee was established following the Argentine invasion of the Falklands in April 1982 to co-ordinate the Government response to the emergency on a day-to-day basis. Its existence rapidly became known to the media in general terms (it was known as the ‘War Cabinet’) and its existence and membership was subsequently recognised officially in the course of the Falkland islands Review carried out by a Committee under Lord Franks.

v. The Joint Intelligence Committee: This special Cabinet Committee was originally created during the Second World War. Its existence at that time is well known but its continued existence to the Committee of Privy Counsellors under Lord Franks.
w. Defence and Overseas Policy, Sub-Committee on the Gulf (OPD(G)):
This Sub-Committee was established (as OD(G)) under Mrs Thatcher’s chairmanship
following Iraq’s invasion of Kuwait in August 1990 to co-ordinate the United
Kingdom’s response. When it was re-established by Mr Major in November 1990, he
asked the No.10 Press Office to confirm its existence and membership and during the
Gulf War a photograph of the ‘War Cabinet’ was made available to the press.
CHAPTER FOUR

CABINET DOCUMENTS

(References are to the Notes in Annex A)

4.100 This Chapter deals with practice and procedure in the preparation, issue and handling of the documents of the Cabinet and its committees. Questions concerned the issue of documents to the Sovereign are dealt with in Chapter Ten. On detailed practice reference should be made to (i) the Cabinet Documents Officer’s Handbook, (ii) the Handbook for Committee Clerks; (iii) the Guide to Minute Taking. These may occasionally be supplemented by Notes for Secretaries of Committees (CS series) circulated by the Secretary of the Cabinet.

4.100 The documents of the Cabinet and its committees (“Cabinet documents” or “Cabinet papers”) are of three main kinds:

a. Memoranda (sometimes called Notes) submitting questions for decision or giving general information.

ii. Agenda notices, stating the business before a meeting.

i. Minutes or Conclusions, recording proceeding and decisions.

There are also various subsidiary documents, e.g. notices relating to meetings, corrigenda and addenda notices, schedules and indexes.

OWNERSHIP AND COPYRIGHT

4.100 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.1

4.4. Every Cabinet document bears the heading “This Document is the Property of her Britannic Majesty’s Government”.2 The practice of marking documents in this way was introduced in respect of Foreign Office documents in 1892. It was thereafter generally adopted for secret and confidential documents, including Cabinet memoranda (see File 4/1/56). The marking is now used only on Cabinet documents (and the documents of those Central Statistical Office committees not within the Cabinet Committee system).
4.100 The copyright of all Cabinet documents (as of other official documents) belongs to the Crown. The relevant provisions of the 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 5 years from the date of the first publication of the work."

SECURITY CLASSIFICATION

4.100 Documents of the Cabinet and its committees (Ministerial and official) must invariably be classified, but the classification assigned to a particular paper should depend on the harm which would be caused by its unauthorised disclosure. Individual minutes of the Cabinet should not normally be classified lower than CONFIDENTIAL (on general grounds of the confidentiality of Cabinet discussions) and the front page of a set of Cabinet minutes should be classified according to the most sensitive individual item. Committee documents are rarely classified lower than confidential though they can be restricted if their contents merit no higher classification. But Cabinet documents, even notes covering unclassified documents, should never be unclassified. (The Cabinet Office Security Manual contains (in paragraphs 22 et seq) definitions of the security classifications and guidance on the control and handling of classified documents. It also includes guidance on the safeguarding of sensitive commercial information.)

Caveats

4.7 Sensitivity caveats: For documents which may be particularly sensitive politically it may be considered necessary to impose a handling caveat as an additional precaution against a breach of confidentiality. This may be done either by adding the marking "PERSONAL" (in addition to the appropriate security classification) and restricting the circulation on a strict need to know basis – in which case it is normal also to attach a covering note drawing attention to the sensitivity and the restricted circulation – or by the use of the "Circulation Members Only" (CMO) system which places severe formal restrictions both on the number of copies circulated and on access to them. Documents are circulated only to the members of the Committee concerned who are personally responsible for limiting and controlling access to their copies. For full details of the system, refer to the Cabinet Documents Officer’s Handbook.

4.100 National Security Caveats: On Ministry of Defence and certain other departmental documents which it is important that United States or other national
representatives should not see it is usual to include in the heading the caveats ECLIPSE, UK EYES A, or UK EYES B in addition to the appropriate security classification. The only Cabinet Committee documents which should, where appropriate, bear these caveats or similar markings are those of the Joint Intelligence Committee and certain of the Security Committees; the heading CABINET is considered to be sufficient protection from disclosure to any person outside the United Kingdom Government Service. (See letter from the Private Office to the Security, JIC, dated 1 November 1957, File 4/3/108/16.)

SYMBOLS AND SERIAL NUMBERING

4.9 All documents should carry a distinguishing symbol for reference purposes.5 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. Eg EDH(92). 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.

4.10 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". Occasionally the Ministerial committee is distinguished by the addition of "M" but this is not essential unless the plain symbol is already in use for another committee.

4.11 For sub-committees it is usual to use the symbols of the parent committee followed by identifying symbols for the sub-committee in brackets eg OPD(E). But the multiplication of initial letters is in general to be avoided.6

4.12 In the Cabinet series the symbol used for memoranda (C or CP) is different from that used for minutes (CC or CM). Committees, however, use the same symbol for all their documents, distinguishing between the different kinds by using plain serial numbers for memoranda (eg HS(70) 1, 2 3 etc) and ordinals for meetings (eg HS(70) 1st Meeting, 2nd Meeting, etc). (The same symbol is used for the corresponding agenda paper).

4.100 For ad hoc groups, the symbol consists of GEN or MISC followed by a number which is the individual number of the group (the numbering starts with 1 at the beginning of an administration and successive groups are numbered consecutively, followed by the last two figures of the year, eg GEN 23 (91).7

4.100 At the beginning of each calendar year the serial numbering of all committee documents begins afresh.

AUGUST 1992
4.15 It is normal to change the symbols of the Cabinets and Ministerial (and related official) Cabinet Committee documents and to begin the numbering afresh upon each change of administration. The Cabinet symbols alternate between C and CP (memoranda) and CC and CM (for minutes). The symbol used for ad hoc committees (GEN or MISC or vice versa) is also changed. But not after a General Election after which the same Prime Minister forms an administration e.g. 1959, 1966, October 1974, 1983, 1987 and 1992.

LAYOUT AND CONTENT

4.16 The current instructions on the layout of Cabinet documents are contained in the Cabinet Documents Officer’s Handbook which is circulated to Departments. This document was first issued in 1977 following the Houghton Report (see paragraph 4.63) and replaced the guidance given in earlier times by the Private Secretary to the Secretary of the Cabinet’s occasional circular letters to private secretaries and between 1975 and 1977 by the document “Cabinet and Cabinet Committee Documents: Standing Instructions”. The current edition was issued in 1991. General guidance on content and presentation is also included in the memorandum “Questions of Procedure for Ministers”.

4.100 All Cabinet documents, whether reproduced in the Cabinet office or in Departments carry a standard heading showing their security classification, the rubric “THIS DOCUMENT IS THE PROPERTY OF HER BRITANNIC MAJESTY’S GOVERNMENT”, the symbol and serial number of the document, the heading “CABINET”, a copy number, and the name of the committee or group concerned, thus:

RESTRICTED

THIS DOCUMENT IS THE PROPERTY OF HER BRITANNIC MAJESTY’S GOVERNMENT

EY(76) 21 CABINET COPY NO

MINISTERIAL COMMITTEE ON ECONOMIC STRATEGY

4.100 If it is necessary in a Cabinet document to refer repeatedly to a body with a long title an abbreviation may be used; on the first occasion, the full title is given and the abbreviation added in brackets.
Memoranda

4.19 Memoranda should be as brief and as clear as possible, not exceeding two pages at maximum. (This “two page” rule was introduced in 1970.) Time spent in making a memorandum short and clear will be saved many times over in reading and discussion; and it is the duty of Ministers to ensure that this is done by personal scrutiny and, where necessary, revision of memoranda submitted to them by their officials. Regrettably, this is frequently honoured in the breach although periodically reminders are issued which tend to produce some temporary improvement. 11

4.100 The model memorandum explains at the outset what the problem is, indicates briefly the relevant considerations, and concludes with a precise statement of the decisions sought. It is sometimes useful to include a summary of the main points brought out in the body of the memorandum, but such a summary should never exceed a few lines. Prefatory covering notes should be avoided.

4.21 In addition to the standard heading, the subject and authorship of a memorandum is shown at its head. Furthermore the date of reproduction of the memorandum appears under the symbol and serial number at the head of the aper. At the end of a memorandum the office of origin and the date of origin are shown. A memorandum written by a Minister should be initialled, or if written by the secretaries of a Cabinet Committee (Ministerial or official) or the chairman of an official committee, should be signed. A report of an official committee or sub-committee, should be signed. A report of an official committee or sub-committee should normally be signed by the chairman. A report by an adviser in a special post, eg an adviser to the Prime Minister, may also be signed but memoranda produced by Departments except as above should be attributed to Departments and not to a named individual. The pages of memoranda must be numbered, as must the paragraphs.

4.22 Sometimes memoranda (particularly reports from committees) are circulated simultaneously in two series. In that event, each carries the symbol and committee heading appropriate to its series but has a cross-reference to the symbol of the other committee – eg “AB (79) 1 [also CD(79) 2]” and vice versa. To avoid unnecessary duplication as a result of overlapping circulations it is better to issue such documents on a single combined circulation (in which case the document will carry the symbols of both series). 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.

4.100 In 1942 the Prime Minister (Mr Churchill) ruled that in statistical tables the totals should be shown at the right-hand side or at the bottom of the page.
4.24 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 meetings, the agenda paper lists the subjects to be discussed in the order in which they are to be taken, with reference to the last discussion of the subject (if any), and to the memoranda to be considered. The agenda carry the signatures of the secretaries. Provisional agenda are not normally issued for Cabinet Committees but Provisional Arrangements for Cabinet are circulated each Monday showing date, time, venue and provisional agenda for the next three weeks (unless a parliamentary Recess is due).

4.25 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.

4.26 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 eg copies of an annex not generally circulated; (the reference is, however, given when the minute of the discussion is prepared). "Previous References" to the minutes of an earlier administration should not be given.

4.27 Receipt of the agenda does not constitute an invitation to the meeting. In the case of the Cabinet and of Ministerial committees, the agenda gives in a note at the foot the names of Ministers who are not members but are 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 referred to by name and not by office. If officials are asked to be present at Ministerial meetings they are usually shown on the agenda by office and not by name. 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, eg "representatives of......"

4.28 Before the Second World War it was usual, when additional business was to be taken at a meeting, to circulate a supplementary agenda. The current practice is to issue, if time permits, a Revised Agenda or, if necessary a Second (Third, etc) Revised Agenda. If the order of items is changed at such short notice that it is not possible to issue a Revised Agenda then an Order of Business notice may be handed out as the meeting assembles. Alternatively a memorandum circulated for consideration at a
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

4.29 The front or outside page of the minutes gives, in addition to customary headings, the place, date and time of the meetings; 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 – but for Cabinet see Chapter Two, Annex A, Note 15; (see also folio 60M on 195/1, Part 1 for suggested reasons for the practice). The names of Ministers are given in order of precedence; of officials in order of precedence of their Departments and rank. (In the listing of officials it is sometimes desirable to follow the order of rank and not of precedence of Departments.) The names of the members of the secretariat are given in order of rank. If members of the secretariat attend for a single item only this is not itemised as it is for the chairman, members and invitees (but the attendance of secretaries is itemised in the case of Cabinet, see Chapter Two, paragraph 2.65). Letter of honours or distinctions are not given, except, where appropriate, “The Right Hon”, “QC”, “MP”.14 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 it is “ALSO PRESENT”. Likewise, if the secretariat consists of only one member he or she is shown as “SECRETARY”.

4.30 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”.15

4.31 The individual minutes are numbered serially in the order in which the subjects were in fact discussed at the meeting, ie not necessarily the order of items given on the agenda. The headings are chosen by the secretary. In Cabinet minutes they are traditionally given at the side, with the previous reference below; in other minutes the headings are given immediately above the body of the minute. Subheadings are given if appropriate: if given, they are normally embodied in the table of contents.

4.32 The minute of each item of a Cabinet or Committee discussion begins by recording the memorandum or memoranda under discussion, giving the number and origin of each. It will then set out briefly, but so as to make the remainder of the record fully intelligible, a statement of the problem for decision or the subject for discussion. This statement is usually attributed to a concise summary of the main points in discussion, followed where appropriate by the chairman’s summing up of the discussion. The minute should end with conclusions that are clear and precise.

CONFIDENTIAL

AUGUST 1992
CONFIDENTIAL

4.33 **Content.** The record of Cabinet’s proceedings is limited to the decisions taken and such summary of the discussion as may be necessary for the guidance of those who have to take action on them. Views should not normally be attributed to particular Ministers (see paragraph 4.34 et seq.). Incidental references to purely political matters are normally not recorded and on such matters, and other delicate references, the Cabinet Secretariat exercises discretion. Matters of special secrecy or political sensitivity may be recorded in a Limited Circulation Annex (LCA) or most Confidential Record (MCR) (see 4.37 and 4.38 below). Note that although the use of LCAs is mentioned in Questions of Procedure for Ministers (eg C(PR) (91)1, paragraph 14) the existence of the MCRs is not generally known. It is also open to the Prime Minister to give express direction that certain matters under discussion are to be excluded from the formal record, but this is rare.

4.34 **Attribution.** The general rule is that the opening statement (incorporating a precis of the memorandum under consideration and any supplementary points made by the Minister presenting it) and the summing up are the only part of a minute which should be attributed to an individual Minister. The other parts of the minute should be entirely impersonal, without any attribution to Ministers. A special case would be an oral report by a Minister on matters for which is he responsible but even then only factual matters should be attributed.

4.35 There are a number of reasons for this long standing policy: It is always difficult to record a Minister’s view, especially in abbreviated form, with complete accuracy; it is seldom necessary as a “guide to action” but at the same time might reduce the extent to which Ministers would feel free to discuss policy collectively and endanger (if the attributed view differs from the conclusion) their sharing in collective responsibility. (See also Guide to Minute Taking paragraphs 15-20). The growing prevalence of political “leaks” which might embarrass individual Ministers and impair collective responsibility is an additional motive.17

4.36 Exceptions should be made only on the authority of the senior secretary in a secretariat and any cases of doubt should be referred for decision to the Secretary of the Cabinet. The exceptions to the rule of non-attribution are as follows:

(a) When a speaker is not content to accept the decision of a committee and requires reference upwards and, for this purpose, normally reserves his or her position, the statement may be attributed – dissent in Cabinet should not be attributed unless the speaker has asked for it to be registered as a prelude to resignation.

(b) It may, very exceptionally, be necessary to attribute views to persons when a specifically departmental point of view has been put forward, or when a suggestion has been put forward to protect a departmental interest, or when there is a conflict of interest between two

CONFIDENTIAL  AUGUST 1992
Confidential

Departments; but whenever possible the minutes should record these matters without specific attribution to individuals.

(c) Formal legal advice given by the law officers should be attributed.

Limited Circulation Annex

4.37 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 Limited Circulation Annex (known as a Confidential Annex until December 1975 – see Private Secretary letter PS(75) 47 (Annex C)) and given a 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 separately”. In the case of committees a discussion of particular secrecy may likewise occasionally be recorded in a limited circulation 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 limited circulation annex”. Sometimes the conclusions alone have been included, in whole or part, in the “open” minute.18 Despite their limited circulation, these annexes have the security classification appropriate to their content.

Most Confidential Record

4.38 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 “most confidential record” is made, i.e. a typed note which is kept in the Secretary’s Private Office. These are indexed and together with any Limited Circulation Annexes which are not, for one reason or another, incorporated in the bound version are bound in separate volumes for each administration. Very occasionally a copy of such records is given to the Sovereign, the Prime Minister or a Minister particularly concerned.19 Their existence is not disclosed and no reference is made to them in the typed versions of the minutes. Prior to 1955 “most confidential records” were known as “no circulation records” (and the latter name has occasionally been used subsequently).

Approval of Minutes

4.39 Originally the draft Cabinet Conclusions were submitted to the Prime Minister for approval before circulation to Ministers. This practice was discontinued in September 1939, although a particularly contentious or different minute may still be cleared in draft.

4.100 The initial circulation of minutes to Ministers was also originally in draft form, and when any suggested amendments had been dealt with the minutes were printed for further circulation. All printing of minutes has now been discontinued (for Cabinet since CM (73) 11th Conclusions; because the printing programme had fallen behind

Confidential

August 1992
the decision was not taken until January 1975) and the initial circulation is no longer termed a draft. Any suggestions for amendment must reach the secretary not later than 24 hours after the circulation of the minutes and effect is given by means of a corrigendum notice to important amendments; these and any others that are accepted are then embodied in the Bound Volume of minutes. If the secretary feels doubt about a suggested amendment it is usual to submit the matter to the chairman.

**Miscellaneous Documents**

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

4.42 The use of meeting notices (giving a venue and time for a meeting, without details of agenda) varies but it is often convenient to issue such a notice as soon as possible, even when the agenda remains uncertain, in order to help Private Offices to reserve a time in Ministers' diaries.

**DOCUMENT PREPARATION AND REPRODUCTION**

4.100 All agendas, minutes and the miscellaneous documents associated with them are reproduced in the Cabinet Office. So are memoranda (but not annexes thereto) for the Cabinet. However, committee memoranda (and annexes to Cabinet papers) are reproduced in Departments 20 and all copies sent to the Cabinet Office for distribution. Application may be made to the Cabinet Office for any additional copies required by the originating Department. Exceptionally a Department may reproduce a Cabinet paper, when the same rule applies. Departments apply to the Cabinet Office Committee Section for the serial numbers or memoranda they are reproducing.

4.100 Instructions on reproduction (spacing, margins, typeface, etc) are contained in the Cabinet Documents Officer's Handbook (Part IV). The following changes over the years may be noted:

(a) Until April 1940 memoranda and minutes reproduced by stencil duplicating were typed in double-spacing.

(b) In 1948 it was decided that memoranda and minutes of official committees should be reproduced on both sides of each sheet of paper. In 1952 this rule was relaxed in the case of minutes and in 1953 it was agreed that memoranda should be reproduced on one side of the paper only. Subsequently, in 1974, (as a temporary measure) it was decided that all committee memoranda and minutes (but not papers of the Cabinet itself) should be reproduced on both sides of the paper (PS(74) 18). This is the present practice.
(c) The adoption by HMSO in 1968 of the International Standards Organisation (ISO) paper sizes was reflected in a request to Departments that, for uniformity and to facilitate filing, they should continue to use foolscap size paper for Cabinet committee memoranda during 1968 and change over in unison to the ISO size A4 paper from 1 January 1969. (See File 11/1 Part 1.)

(d) In 1969 a simplified typing layout for correspondence was recommended by the Civil Service Department and adopted in varying degrees by most Departments before the end of the year. Typing staff in these Departments experienced difficulty in producing Cabinet Committee documents in the traditional style and a new standard layout incorporating the essence of the simplified style (but retaining centralised headings) was introduced on 1 April 1970.

(e) At the same time, in order to take account of the growing application of offset lithography and xerography for document reproduction, the use of the security classification in bold black was authorised. The style was prescribed, including the association of copy numbering in red so that second generation photocopies could be readily detected. (File 11/1)

4.45 Reproduction is now primarily by photocopying (all Cabinet Office produced documents) and by offset lithography. Up to the Second World War many documents were printed before circulation (or, in the case of minutes, after an initial circulation in draft) but this is now quite exceptional. It is, however, the case that most Cabinet Procedure papers continue to be printed. Printing is on coloured A4 paper, except memoranda by the Prime Minister which are printed on white Crown quarto paper.

CIRCULATION

4.46 The documents of the Cabinet and Ministerial Committees are issued primarily to the Sovereign, the Prince of Wales, and Ministers. Cabinet document are issued to Ministers personally. Each copy of a Cabinet document is given a copy number and the issue of each is recorded on the circulation sheet or ‘skin’ for the document. Documents are issued to individual recipients by the designation of their office, eg Home Secretary, (but by name in the case of officials).

4.100 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.

CONFIDENTIAL AUGUST 1992
Cabinet Memoranda

4.100 The standard circulation for Cabinet memoranda includes The Queen, the Prince of Wales, all members of the Cabinet, any other Ministers in charge of Departments (or to be treated as in charge of Departments), 21 the Attorney General 22 and the Chief Whip. A few other senior Ministers may receive copies at the Prime Minister’s direction (this depends on the requirements of each administration). Ministers will usually receive more than one copy of a memorandum (most receive two copies) in order to provide for departmental briefing, etc (see paragraph 4.63 below). Ministers may, on request, receive additional copies of their own memoranda.

4.49 Consideration is given in the case of each memorandum, to whether the circulation should be more restricted than usual or to whether any additional circulation is appropriate. On occasion, the Prime Minister may direct that a memorandum should not be circulated beyond the Cabinet itself. Memoranda are sometimes circulated under a note drawing attention to any particular sensitivity and the need for restrictive handling within Departments.

4.50 The Attorney General receives copies of memoranda on legal issues. The Lord Advocate normally receives the same memoranda; they are rarely sent to the Solicitor General for Scotland.

4.51 Ministers of State and Junior Ministers do not normally receive memoranda; although the Minister of State is charge of the Overseas Development Administration is currently an exception. If, in the absence of the Senior Minister, a Minister of State or Junior Minister attends a Cabinet meeting he usually makes use of the copy issued to the Minister himself but is issued with a personal copy of the Agenda notice. On rare occasions Cabinet memoranda eg on the Government’s achievements or on Government strategy, have been widely circulated to Ministers outside the Cabinet, though not in the form of a Cabinet paper (see folio 69 on file 195/1 Part 1).

4.100 The Chiefs of Staff may receive copies of memoranda on military and Strategic matters and of other memoranda which may have strategic implications. 23

4.100 The general rule is that officials (outside the Secretariat) are not sent copies of Cabinet memoranda. It is the responsibility of the Minister to ensure that his officials, and those of any subordinate Departments, are kept informed as necessary of matters of concern to them (see paragraph 4.63 below). There are, however, certain exceptions viz: the Permanent Secretary to the Treasury and the Permanent Under Secretary of State for Foreign and Commonwealth Affairs are included in the regular distribution. In addition, Parliamentary Counsel receives direct copies of memoranda of concern to him.

4.54 Within the Cabinet Secretariat copies are usually sent, in addition to the Secretary, to the Deputy secretaries and Under Secretaries. Assistant Secretaries and

CONFIDENTIAL

AUGUST 1992
certain principals see all memoranda on a "runner" and may, on request, receive copies of memoranda which report to the Cabinet recommendations of Committees of which they are secretaries, or which have an immediate bearing on the work of their committees. Until 1989, the Central Statistical Office was part of the Cabinet Office, and the Head of the Government Statistical Service received those memoranda he requested after receipt of the agenda notice.25 A number of additional copies are made available for use in the Prime Minister's Office.

4.55 Cabinet memoranda are not circulated to people who are neither members of the Government nor officials. 26 It was considered in July 1975 whether memoranda might in principle be shown to the Governor of the Bank of England. No precedent was found and the matter was not pursed.

Cabinet Agenda

4.56 Agenda notices are sent to the same Ministers and departmental officials as receive Cabinet memoranda (paragraph 4.48 ff above). The Chief of the Defence Staff also receives a copy.

Cabinet Conclusions

4.57 Cabinet conclusions are given the same regular distribution as Cabinet memoranda. Extracts are not normally sent to departmental officials, but are sent, as appropriate, to Parliamentary Counsel, the Chiefs of Staff, etc.27

4.58 Limited Circulation Annexes Copies of Limited Circulation Annexes (see paragraph 4.37) are usually sent to The Queen, members of the Cabinet and any other Minister directly concerned. But in particular cases, circulation might not be extended to all the Cabinet.

4.59 Most Confidential Records Very occasionally copies of Most Confidential Records (see paragraph 4.38) are sent to The Queen, the Prime Minister, or to another Minister particularly concerned.

Cabinet Committee Documents

4.100 Agenda, memoranda and minutes of Cabinet Committees are usually circulated on the basis of standard lists drawn up by the Secretary of the Committee and revised from time to time. The lists of memoranda, minutes and agenda notices are usually the same. 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 lists. The general principles to be applied are the same as those for Cabinet.
4.61 Circulation lists for Cabinet and Cabinet Committee papers are kept continually under review.

Distribution

4.62 The use of circulation boxes was discontinued in 1974, except for the Queen and certain security departments. Documents are now circulated in sealed envelopes. Deliveries are made from the Cabinet Office Distribution Room at fixed times each day (at present 8.00am, 1.00pm and 5.00pm) though special circulations are made if urgently required. (For the long distance transmission of documents in the United Kingdom, see the manual 'Security in Government Departments', chapter 7, the Cabinet Office Security Manual and file 192/5; for the transmission of documents overseas see paragraphs 4.66 et seq; for arrangements regarding the transmission and safe custody of Ministers' boxes and documents during Party Conferences see file 192/2.)

Arrangements in Departments

4.63 The documents of the Cabinet and its Ministerial Committees are issued primarily to the Sovereign and Ministers. The Ministers to whom they are issued are responsible for their safe custody and handling in their Departments. Their handling in Departments is governed by the following general rules:

(a) It is within the discretion of Ministers to decide which of their advisers (including special adviser29) or subordinates should be shown Cabinet papers. Such papers should not normally be seen by any save their immediate advisers concerned in the formulation of policy. Cabinet memoranda and Conclusions should not be circulated to Information Officers or their staff except is so far as they relate to the work of their own Departments. Note however that particularly strict rules apply in the case of CMO documents (see paragraph 4.7 above).

(b) A Minister who is a member of the Cabinet has responsibilities wider than those of his own Department, and will in that capacity receive some documents which are of no concern to any of his subordinates.

(c) Documents reflecting the personal views of Ministers are in a special category, and their handling requires special care. It is contrary to the doctrine of collective responsibility to make known the attitude of individual Ministers on matters of policy.

(d) Since Parliamentary Private Secretaries are not members of the Government discretion should be exercised as to how much official information is given to them. Generally speaking it will be limited to what is strictly necessary for the discharge of their Parliamentary and political duties.

CONFIDENTIAL

AUGUST 1992
This need not preclude them from being brought into departmental decisions or conferences where Ministers think it appropriate but they should not have access to secret establishments or information graded Secret or above except on the personal authority of the Prime Minister.

Circulation, within Departments, to Ministers of State and Junior Ministers is covered by (a) above. In a letter of 16 December 1969 to the Minister of Housing and Local Government, Sir Burke Trend said:

"It is ... quite proper for Junior Ministers to be shown a rather wider range of Cabinet papers than most officials and advisers; but the number and scope of the papers which they may be shown must, I think, be left to the discretion of the Minister in charge of the Department, who is, in the last resort, responsible for safeguarding the information entrusted to it. The decision in each case must naturally depend to some extent on the sensitivity of the paper in question and on the relationship between the Minister in charge of the Department and the Junior Minister concerned; and it does not seem practicable, therefore, to introduce rules which will be identically applicable to each case". (File 88/2, folio 49.)

It is probably fair to say that subordinate Ministers are now shown a much broader range of documents, reflecting their greater involvement in the work of their Departments.

4.64 More detailed guidance on handling within Departments (copying, filing, etc), including full details of the CMO procedure, is given in the Cabinet Documents Officer’s Handbook Part II. Following a leak of information in 1976 a Committee of Privy Counsellors under the chairmanship of Lord Houghton was established to examine Cabinet document security. The Committee’s enquiry covered all aspects of document composition, reproduction, circulation, handling and disposal and they reported in October 1976. Their recommendations were largely concerned with arrangements in Departments, in particular with access, with administrative machinery, and with the physical protection of documents. They also concluded that the Cabinet Office should maintain a continuing degree of oversight of departmental practices in order to ensure -

(a) that adequate standards are being maintained; and

(b) that so far as possible there is uniformity in the application of the rules

This Report was accepted in principle by the Government and its proposals are incorporated in the Cabinet Documents Officer’s Handbook.

4.65 Departments are responsible for keeping subordinate Departments informed of Cabinet and Cabinet committee proceedings as necessary. Following the collapse of
the “power sharing” administration in Northern Ireland in 1974, the Northern Ireland Departments (staffed by the Northern Ireland Civil Service) effectively became subordinate to the Northern Ireland Office and in 1976 agreement was given to arrangements under which Cabinet papers could be shown to certain senior Northern Ireland civil servants (see folio 59 et seq on file 61/7, Part 3). But prior to this requests to see Cabinet papers from the Northern Ireland Government had always, with one exception, been refused.

Sending of Documents Overseas

4.66 It is a fixed rule that Cabinet Conclusions are in no circumstances to be taken or sent out of the United Kingdom. It is exceedingly rare for Cabinet memoranda to be sent abroad: the main exceptions are listed below (see paragraph 4.70).

4.67 It is a general rule that other Cabinet documents, ie memoranda and minutes of Cabinet committees, are not to be taken or sent out of the United Kingdom. Exceptions to the general rule have, however, frequently been made, each case being considered on its merits. There are four important points: (a) the prior consent of the Private Secretary to the Secretary of the Cabinet must be obtained; (b) secure means of transmission must be used; (c) a list of documents sent overseas must be kept by the Cabinet Office; (d) there is much greater objection to the sending overseas of Ministerial committee documents than of the papers of official committees. Copies of a few series of official committee documents are regularly sent overseas to Embassies and High Commissioners’ Offices; notably EQS and EQO documents are sent to the United Kingdom Permanent Representative to the European Community. It remains very exceptional for Ministerial documents to be sent overseas (see paragraphs 4.68 and 4.71 below).

4.68 The grounds for these restrictions are mainly security, but there is also the need to avoid misunderstandings and the misinterpretation of isolated documents which might give the impression of having full Cabinet authority and being statements of approved policy. To avoid such misunderstanding it is often desirable for the form of the document in question to be altered so as to give no indication that it is a Cabinet document. This practice has been adopted for some time in sending a “sanitised” version of the Ministerial discussions in OPD(E) to the United Kingdom Permanent Representative to the European Community.

4.69 Papers of the Joint Intelligence Committee (JIC) are exempt from the general rule that Cabinet Committee documents may not be sent overseas without permission: the Secretary of the JIC has authority to exercise his discretion. Nor is the marking “Cabinet” removed before their despatch overseas. There are reasons why the JIC should be treated sui generis in this matter and the decision does not constitute a precedent for other committees. See Files 4/1/48 and 61/11.
The main occasions on which Cabinet memoranda have been sent overseas are:

(a) When the Sovereign is on a visit board. In 1938, when The King visited Canada and the United States, a collection of important memoranda for reading on the return journey was sent by sea in charge of the captain; they were, however, not landed from the ship. See File 4/3/83. From 1957 the practice has, however, been for summaries only to be sent to The Queen (see Chapter Eleven).

(b) On official visits by Cabinet Ministers abroad. In 1932 the Cabinet decided (10/32 3) that copies of certain Cabinet minutes and memoranda should be sent, under special security arrangements, to Ministers in the United Kingdom delegation at Geneva. In 1966 when Mr Brown was appointed Secretary of State for Foreign Affairs he was on holiday in Southern Ireland and to enable him to familiarise himself with Foreign Office matters quickly permission was granted for him to be sent, by Queen’s Messenger, certain Cabinet documents other than Cabinet minutes – whilst he was still in Southern Ireland. See File 61/11, Part 1.

(c) For the general information of certain Ambassadors. In 1941 when Lord Halifax was appointed His Majesty’s 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. This arrangement was continued when Lord Inverchapel and, later, Sir Oliver Franks were appointed to the Embassy in 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. In addition, in March 1968 the Foreign Office requested permission to send copies of the Foreign Secretary’s paper on foreign policy (C(68) 42) to all heads of Missions overseas. Ultimately the text of the Cabinet paper, suitable amended, was incorporated to a self-
continued despatch, upgraded from "Confidential" and sent to all Ambassadors and High Commissioners on a "Secret and Personal" basis. Again in March 1969 the same procedure was adopted when the Foreign and Commonwealth Secretary wished to send a copy of his paper on the long-term prospects for East-West relations after the Czechoslovakia crisis — originally circulated as OPD(69) 8 — to all Heads of Missions overseas. File 61/11, Part 2.

4.71 There are a few cases where the documents of Ministerial Committees have been sent overseas:

(a) In October 1948 it was agreed that copies of Oversea Defence Committee memoranda being sent to United Kingdom authorities overseas might be despatched without the removal of headings, symbols, etc, indicative of their origin. See File 4/3/1A. In November 1958 it was agreed that, in order to facilitate the distribution of Oversea Defence Committee memoranda to Commonwealth authorities at the request of the Committee, all memoranda should be printed without the heading 'Cabinet' and 'Oversea Defence Committee' and with the short address 'London' substituted for 'Cabinet Office' at the end of the paper: such memoranda when distributed within the United Kingdom would be covered by a Secretary's note with the normal 'Cabinet' headings.

(b) In January 1953 it was agreed that the minutes and memoranda for certain meetings of the Persia (Ministerial) Committee should be sent to Her Majesty's Ambassador in Washington. This exceptional arrangement arose from the fact that certain negotiations with United States representatives in London were proceeding so rapidly that the Foreign Office did not have time to keep Her Majesty's Embassy in Washington informed of their progress. They therefore asked that the memoranda and minutes concerned should be sent to Washington. See File 7/2/177.

(c) In December 1966 the Foreign Secretary took a folder of papers of the Rhodesia (RX) Committee with him to the United Nations Security Council Debate.

4.72 Following British accession to the European Communities in 1973, the question was raised whether the British Commissioners and their Cabinets should have any access to Cabinet documents (ie the papers of official committees which went to UKREP Brussels). The practice as it has developed has been to show the Commissioners no such papers. (See also paragraph 4.97 below)
LOSS OF DOCUMENTS

4.100 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. 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 the package 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 a 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, or the Police. The procedure in the event of a series leakage of classified information is laid down in the manual ‘Security in Government Departments’, Chapter 16. The Chairman of the official Committee on Security is responsible for initiating the necessary interdepartmental enquiries, but if Cabinet papers are involved it may be more appropriate for the Secretary of the Cabinet, in consultation with the Chairman of the Official Committee, to take the lead. If the leak procedure indicates that a criminal offence has been committed and there is a reasonable prospect that evidence will be forthcoming on which a prosecution could be cased, nothing should be done which might impede or diminish the chances of a successful prosecution if the Attorney General were to decide to take criminal proceedings.

DISPOSAL OF DOCUMENTS

Routine

4.74 Cabinet documents (including any extracts of meeting minutes) which are no longer required by Ministers or their Departments are destroyed within Departments in accordance with the security procedures applying to classified documents generally. Destruction certificates, where required by these procedures, are retained within Departments. Schedules or Cabinet and Ministerial Committee documents held by Ministers are issued by the Cabinet Office Records Section at regular intervals. Private Offices are required to return a copy of each schedule indicating which documents have been destroyed. These arrangements have been in force since 1973. Prior to that most Cabinet documents were returned by Departments to the Cabinet Office for destruction. (See file 61/8)

4.75 After an agreed interval the number of spare copies of all Cabinet and Cabinet Committee documents in the Records Section is reduced to a minimum, the balance being destroyed by coarse shredding as ‘secret waste’. (See file 49/2)
4.76 Special procedures apply in the case of documents bearing the CMO caveat – see the Cabinet Documents Officers’ Handbook.

On a Ministerial Change

4.77 Ministers relinquishing office (whether to move to another post or on leaving the Government) hand over to their successors those Cabinet documents which are required for current administration, and ensure that all others are destroyed in accordance with the standing arrangements. Full details of this procedure can be found in Chapter Five. A former Minister may at any time have access in the Cabinet Office to copies of Cabinet or Cabinet Committee papers issued to him while in office. Some Ministers have thought it wise to make provision in their Wills against the improper disposal of any official or Government documents which they may have retained in their possession by oversight.34

4.78 Action by the Cabinet Office on a Ministerial change within the life-time of a single Administration is therefore on the following lines: the Private Secretary sends a letter to the Private Secretary to the outgoing Minister drawing attention to the rule, ie that all Cabinet documents should be destroyed with the exception of those immediately required for current administration, which should be handed on to the incoming Minister. The Private Secretary should also be asked to confirm in writing that the incoming Minister has taken over his predecessor’s documents.

4.79 If the outgoing Minister indicated his intention to retain any particular document or documents the matter would need to be considered on merits and in the light of the circumstances and personalities involved. It is likely that the question of further action would be submitted to the Prime Minister by the Secretary of the Cabinet. This has happened in only a few cases since the Second World War.35

4.80 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, eg File 4/3/209 – letter of 17 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 may 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.

On a Change of Government

4.81 On a change of Government the outgoing Prime Minister issues special instructions about the disposal of the Cabinet papers of his Administration. Such instructions are based on the two principles (1) that the documents of one
Administration should not be accessible to another which is of a different political complexion, and (ii) that Cabinet documents may not be retained by Ministers who leave office. This second rule has on occasions been relaxed – but not recently – to allow Ministers to retain documents which they wrote themselves.

Documents Retained in ‘Private Collections’

4.82 There have been cases where a former Minister has arranged for his collected ‘personal’ papers to be deposited with or bequeathed to some learned institution such as a museum, or University or College Library; and where these papers have been found to include Cabinet documents and other official material. In such cases an attempt to enforce recover of the official paper would be likely to be much resented; there is moreover a natural reluctance to mar the integrity of a collection of papers belonging to a distinguished public figure. It has, therefore, been the practice to permit official documents to remain in collections of this kind provided that the holders enter into suitable arrangements for the continued safe custody of the documents on the following general principles:

(a) An institution which is bequeathed or otherwise asked to accept responsibility for any collection of papers which include official documents to which the 30-year rule applies will accept them only on the understanding that they are given discretion by the donor to withhold from public inspection such parts of them as they consider that it would be contrary to the public interest to disclose.

(b) In exercising that discretion they will be guided by the competent authorities, ie Cabinet Office or other relevant Government Departments.

(c) Any Cabinet or Cabinet Committee papers will either be returned or be segregated and no access permitted without prior consultation with the Cabinet Office.

(d) Access to any official documents in the collection will be conditional upon the person concerned giving a written undertaking in advance, if he wishes to publish anything based on such material, that he will submit his manuscript in draft, and before submitting it to a publisher, for official scrutiny and will accept any amendment or omissions in the text that may be required in the public interest.

Files relating to collections containing official papers still within the closed period under the Public Records Act 1958, are:

28/2/397 Selwyn Lloyd Papers held in the Foreign Office.
And 5/7
CONFIDENTIAL

5/12 Royal Archives
5/13 Mountbatten Papers (Broadlands Archive Trust)
5/14 Lord Avon's Papers (Birmingham University)
5/21 Lord Templewood's Papers (University Library, Cambridge)

(See also files on former Prime Ministers' papers, mainly held in Cabinet Office Historical Section).

PRESERVATION OF CABINET DOCUMENTS

4.83 The Cabinet Office Records Section is responsible for maintaining a sufficient supply of spare copies of Cabinet and Cabinet Committee memoranda and minutes and also the production and safe custody of the Confidential Library Bound Volumes until these are 25 years old. After 25 years these records are passed to the archival and Reviewing Section for lasting, for reviewing for continuing sensitivity, for processing and for the allocation of Public Records Office references prior to transfer to the Public Records Office for opening to the public at 30 years (or for longer retention if necessary) as required by the Public Records Act 1967.

4.84 In December 1965 it was decided that an additional copy of the Confidential Library Volumes should be produced to provide insurance against destruction or damage and also for use as replacement volume in the Public Records Office if they are subjected to excessive handling following their release to the public. (see file 4/3/151 Part IV).

4.85 In March 1942 the desirability of microfilming Cabinet Conclusions was first considered but it was decided that this was unnecessary. (See File 4/3/198). However, the possibility of microfilming the whole Cabinet and Cabinet Committee documentation was considered on several subsequent occasions – in the light of the recommendations of the Grigg Committee and as an insurance against damage or less by fire or flood. On each occasion it was decided not to proceed – even on the last review of the position in 1968 by which time the microfilming techniques and the quality and durability of the films were no longer an objection. (See File 49/6).

ACCESS TO CABINET DOCUMENTS

Documents of Previous Administrations

4.86 Although all Government documents are the property of the Crown, there is a long standing convention that Ministers of the current Administration are not normally given access to documents of an earlier Administration of a different political party. In practice, a limited number of non-political documents (notably Opinions by the Law Officers) required for current administration may be made

CONFIDENTIAL

AUGUST 1992
available but this does not include Cabinet documents. Access to other documents (apart from purely factual documents prepared by officials) requires the consent of the Prime Minister of the Administration concerned or, if he or she is unavailable, the current leader of the party concerned. In addition, it has long been accepted that former Ministers may see, but not retain, documents which they saw while in office.

4.87 The establishment in 1982 of a Committee of Privy Counsellors chaired by Lord Franks to inquire into the circumstances leading up to the Argentine invasion of the Falkland Islands — covering event which took place both during the Administrations of two different parties and four different Prime Minister — drew attention to a number of grey areas in the interpretation of the conventions, particularly concerning access by Ministers of the current Administration to papers of an earlier Administration of their own party and access by members of a Committee of Inquiry. This led to a review of the conventions as a whole which was subsequently summarised by the Secretary of the Cabinet, with the approval of the Prime Minister, as follows:

(1) Documents of a former Administration are the property of the Crown. The grant of access to them for any person not entitled in an official capacity to see them requires the agreement of the Government of the day until they are released as public records.

(2) Ministers of a former Administration, whether currently in office or not, may see but may not retain official documents which they saw as members of that Administration.

(3) Ministers of a current Administration may not see documents of a former Administration of a different political party.

(4) Ministers of a current Administration may normally see documents of a former Administration of the same political party, whether or not they saw those documents as members of that Administration, provided that the requirements to see them arises in the course of the Ministerial duties. There may, however, be exceptional circumstances in which the Secretary of the Cabinet and if necessary the Prime Minister of the day should be consulted about the desirability of seeking the agreement of the former Prime Minister who was in charge of the Administration in question.

(5) Before giving access to documents of a former Administration (whether of the same political party as or of a different political party from the Government of the day) to anybody not entitled to see them either in an official capacity or in accordance with these conventions (eg a Committee of Inquiry or a bona fide historian), the Prime Minister of the day (or the Secretary of the Cabinet acting on his or her
authority) should seek the agreement of the Prime Minister concerned or, if he is not available, of the current leader of the political party concerned.

The terms on which the Falkland Islands Review Committee were given access to Cabinet and other official documents were based on these conventions and announced in a statement by the Prime Minister on 8 July 1982.40

Former Ministers

4.88 Former Ministers may at any time have access in the Cabinet Office to Cabinet documents issued to them while they were in office. This principle has often been stated in the House of Commons41 and considerable use is made of this right, which is now considered to apply to all Ministers42 although it was originally confined to former Cabinet Ministers. In practice, it is unlikely that many Cabinet documents will have been issued to former Junior Ministers.

4.89 It is customary to give a former Minister access in the Department concerned to other official documents seen or used by him during his period of office eg minutes, letters, telegrams and drafts of Cabinet memoranda.43

4.90 The following rules should be applied to access to Cabinet documents:

(a) Access should normally be in the Cabinet Office – a few exceptions have been permitted (eg Mr Churchill, Mr Hore-Belisha, Sir Anthony Eden) under special circumstances and subject to satisfactory security arrangements. On occasion where a former Minister has asked to see a large collection of departmental papers and a very small number of Cabinet documents, access to the latter has, for convenience, been given in the Department concerned – but subject to the other rules regarding Cabinet documents.

(b) Access is limited to documents issued to the Minister concerned (note that this is stricter than for non-Cabinet documents).44

(c) Access is confined to the former Minister in person and is not normally permitted to representatives (see paragraph 4.101 below).

(d) Copies may not be taken of documents. This has been strictly enforced (eg against from Mr Benn in 1980).

(e) Notes may be taken (Mr Callaghan recently drew attention to the apparent anomaly that he could take verbatim notes, using a dictaphone, but could not make a copy of the documents. There is, however, clearly a difference and Mr Callaghan was also reminded of the restrictions on the uses
CONFIDENTIAL

to which he could put the notes under the Radcliffe Recommendations on Ministerial Memoirs—see below).

Ministerial Memoirs

4.91 One of the main purposes for which former Ministers seek access to Cabinet papers is to assist them in writing their memoirs. Recent examples include: Mr Edward Heath, Mr Norman Fowler, Lord Young, Dr David Owen, Mr Lawson and Mrs Thatcher.

4.92 Former Ministers intending to public their memoirs are required to submit their scripts to the Cabinet Secretary and to conform to the principles and procedures set out in the Radcliffe Report of 1976 (Cmd 6386), copies of which are given to all Ministers. Former Ministers are instructed not to publish anything that contravenes the requirements of national security, or would be injurious to this country's relations with other countries, or would be destructive to confidential relationships among Ministers, or between Ministers and their advisers or between the Government and outside bodies or private persons. Fuller details can be found in Chapter Seven but one of the working rules identified by the Committee is concerned in particular with the preservation of the principle of collective responsibility: in dealing with experience acquired by virtue of their official position, former Ministers should not reveal the opinions or attitudes of colleagues as to the Government business with which they have been concerned. They may, on the other hand, describe and account for their own.

4.93 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:

(a) 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 would be possible to let him have some of the factual information on which the memorandum was based. See File 28/2/79, Part I.

(b) In January 1959 Mr Macleod, the Minister of Labour and National Service, asked to see a report head "Organisation of National Service" which had been approved by the War that he was not entitled to see the document, but he was provided with a note which gave the substances of the recommendations in the report. (File 7/3/1).

(c) In January 1962 Mr Shinwell suggested to the Chancellor of the Exchequer (Mr Selwyn Lloyd) that he should see certain Cabinet papers circulated by Mr Shinwell in 1946 and 1947. The Secretary of the Cabinet

CONFIDENTIAL AUGUST 1992
explained to the Chancellor of the Exchequer why it would not be right to give him access to Cabinet documents of the Labour Government. (File 7/3/1).

4.94 In recent times former Ministers who have visited the Cabinet Office to examine documents issued to them when in office include those listed in paragraph 4.91 plus Lord Cockfield. It is customary for rooms to be made available temporarily for such Ministers.

4.95 Exceptionally, documents have been sent to eg Mr Churchill; Sir Anthony Eden; Sir Harold Wilson. Special arrangements were made to ensure their security.

Officials

4.96 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 (eg limited circulation 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 limited circulation annexes. See Files 29/6, 30/25 and 70/4.

British Commissioners of the European Community

4.97 The two British members of the Commission have not normally been given access to Cabinet documents once they have taken up office in Brussels (see paragraph 4.71). However, Mr Roy Jenkins and Mr Tickell (his chef de cabinet) were given access to certain official committee papers in London in the period before Mr Jenkins took up office as President of the European Commission in January 1977; Mr Jenkins had just ceased to be a Minister of the Government. Mr Tickell was a member of the Diplomatic Service. In November 1979 the Prime Minister decided that an official Cabinet Committee paper could be shown to Mr Richard and Mr Tugendhat as Commissioners designate, once it had been approved by Ministers. This was regarded as an exceptional arrangement and it was decided that another paper of the same Committee should not be shown to them. Arrangements similar to those for Mr Jenkins were made for Lord Cockfield and Mr Stanley Clinton Davies prior to their taking up appointment as British Commissioners. During this period they were given offices in the Cabinet Office.

PCA and C & AG

4.98 The Parliamentary Commissioner for Administration by the terms of the Act establishing his office has no right of access to Cabinet documents (Ministerial or
Official). The same practice is followed in the case of the Comptroller and Auditor General. For example, a request in 1981 to the MOD from a local Exchequer and Audit Department (E and AD) auditor to see the OD paper on the heavyweight torpedo (OD(81) 41) was turned down on Cabinet Office advice. (In a case in 1976 the Treasury Officer of Accounts gave it as him opinion that the same restrictions should apply to documents of Officials Committees as to those of Ministerial Committee.)

4.99 A rather exceptional case arose in 1981 when E & AD asked whether they could be represented at an EQO meeting at which a Treasury paper on the European Court of Auditors was to be discussed. As the paper owed much to E & AD advice and as there was no question of their seeking access to any paper on which they might subsequently be formally reporting to Parliament, this was agreed but they were not sent copies of the paper on the minutes of the discussion. This was not considered to have infringed the 1976 precedent.

Non-official Persons

4.100 The rule is that non-official 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 17 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 Office is 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, were 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 whom has a good title to vindicate the memory of a deceased person and 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 document to be published by the vindicator should be submitted to the Cabinet Office for approval before publication.

CONFIDENTIAL AUGUST 1992
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 rule. A full list of applications by historians and authors for access to Cabinet and other similar secret documents and the decision in each case is given in File 30/25 and the relevant case papers in Files 29/1 to 29/24 and 80/1 to 80/31.

4.101 This rule applies even to non-officials accompanying former Ministers which is not normally allowed. There have, however, been exceptions to this rule in special circumstances eg on his final visit to consult Cabinet documents in 1974, Mr Crossman was accompanied by his research assistant, Miss Morgan (see also Chapter Ten). Nevertheless, Mr Callaghan was subsequently told that a research assistant could not be given access to Cabinet files generally although Mr Callaghan could, if he wished, be accompanied by Mr Bernard Donoghue who had served as his Special Adviser when in government (Mr Donoghue would not have been given access on his own). Lady Thatcher has been allowed to bring Mr Robin Harris, a former of the No.10 Policy Unit, with her to see No.10 files and Cabinet documents.

4.102 The extent to which former Crown servants can be given access to Cabinet documents has not been clearly defined. 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 the access was sought. See cases noted in Chapter Ten and previous paragraph.

The Courts

4.103 It has generally been held that the contents of Cabinet documents should not be disclosed in court proceedings. When this has arisen, the Crown has usually sought immunity on public interest grounds, citing the importance of preserving the principle of collective responsibility and the confidentiality of Cabinet discussion. This view has generally been upheld by the courts but it is worth noting that the argument does not necessarily extend to departmental papers nor does it extend to the decision taken by the Government (which will in most cases be public knowledge in any case) as opposed to the deliberations which led to that decision. In preparing for Court cases, it has sometimes been necessary for lawyers outside the Crown Service to have access to Cabinet documents. However, the Government agreed in 1991 to disclosure first to the judge and then more generally to the Court (though still on a confidential basis) of Cabinet documents relating to the De Lorean case in litigation against Arthur Andersen in New York. This should not be regarded as a precedent for litigation in the United Kingdom.
Files

(There are many references to files in the 'old' series throughout the text)

C1  Cabinet
11/2  Appearance and layout of Cabinet Office documents
11/2  Departments failing to follow Standard Layout
12/15  Access to Official Documents by former Ministers (see also 112/24)
13/8  Preparation of Papers for Cabinet and Cabinet Committees
19/4  Access to Papers of previous Governments (see also 487/3 on access to programme Analysis and Review papers)
40/3  English used by Government Departments to ensure clarity, warmth and human approach
61/1  Policy regarding security classification or Cabinet Committee documents
61/2  Application for regarding and declassifying current Cabinet Committee documents
61/4  Policy for the custody and treatment of Cabinet documents in other departments
61/5  Use of privacy and restrictive markings on Cabinet documents
61/7  Policy for the compilation of circulation lists
61/11  Information on Cabinet Office documents sent overseas
61/13  Alleged breaches of security
61/14  Access to papers by the Business Team and other Special Advisers
88/2  Procedure for the security of Cabinet arrangements and agenda
273/1  Indexing arrangements to the Secretariat on Cabinet Committee procedure
273/2  Standing instructions to Committee Section on Cabinet Committee procedure
273/3  Cabinet Office notes for Committee Secretaries
273/5  Standing instructions to Committee Section on Cabinet Committee Procedure
298/1  Periodic recovery of Cabinet documents from Ministers
455/1  Policy for the preparation of Bound Volumes of Cabinet documents
455/2  Policy for recording and circulating specially secret Cabinet discussions
455/3  Confidential Annexes and Limited Circulation Records-cases
455/4  Policy for the use of symbols

Note
CONFIDENTIAL

1. An Opinion to this effect was given by the Law Officers (Inskip and Somervell) in June 1934. (See File 4/3/8A and Annex G, paragraph 4.)

1. The origin of this rubric can be found in file 4/3/309 and (World War I) Cabinet paper 207.

3. On the interpretation or the words ‘subject to any agreement with the author’, see minute of 17 February 1948, file 4/3/8A.

4. This dates from a 1983 ruling by the Secretary of the Cabinet (minutes A083/2838 dated 10 October 1983). Previously the minutes had been classified SECRET regardless of the content of the individual items.

5. Before the establishment of the Cabinet Secretariat in December 1916 Cabinet documents were not numbered. Memoranda were numbered continuously from 1919 until the end of 1922 (the last was CP 4379). The year number was thereafter included in the symbol; and the numbering has begun afresh 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 WM was introduced.

6. For example in the 1983 Conservative Government the symbols of the sub-committees of ES did not use the symbols of the parent committee in order to avoid proliferation of letters.

7. Formerly, the year number was not used since it was assumed that no group would last long enough to make this necessary; but it was decided to include the year from January 1966.

8. When the Caretaker Government succeeded the Coalition Government in May 1945, and the War Cabinet was dissolved, the symbols CP and CM superseded WP and WM, and the numbering began afresh. On the appointment of the Labour Government the serial numbering was carried on. Thus the first meeting of the Labour Cabinet is recorded as CM (45) 18th Conclusions; and the first Cabinet Paper or Mr Attlee’s Administration is CP(45) 89. However, upon all subsequent changes or Administration the symbols were changed – from C to CP and CC to CM or vice-versa-and the numbering began afresh on each occasion.

9. Formerly, the security classification of Cabinet and Cabinet Committee documents was placed on the left-hand side of the document immediately above the serial number. In May 1949 the Service Departments, Ministry of Defence and Ministry of Supply, started to put the security classification in a central position at the top and bottom or each separate page of a document. The application of this practice to the documents of the Cabinet and of Civil Departments was discussed by the

CONFIDENTIAL

AUGUST 1992
Interdepartmental Committee on Security in 1948. It was decided then not to adopt it for Cabinet and Cabinet Committee documents, but it was adopted on 1 October 1957. Duplicating paper for use with Roneo and Gestetner type duplicating machines has the security classification pre-printed in red at the top and bottom of the page. Where offset litho or other new methods of reproduction are used the classification is in bold black and ringed, with the copy numbers in red so that second generation photocopies can be readily detected. As an additional security precaution, the use of paper with pre-printed diagonal security markings was introduced in 1983. For 'Top Secret' documents, specially headed paper is used. (See Files 4/3/108 and 11/1 Part 2).

10. A memorandum which contains only procedural information (as that a report is attached, or that a paper is to be cleared by correspondence) is usually referred to as a Note, and is so described at its head (see paragraph 4.20) eg Note by the Secretaries, Note by the Paymaster General.

10. The largest recorded memorandum in recent times was H(85)25 running to 20 pages and was substantially drafted by the Lord Chancellor (Hailsham) in person. It was not considered to have made discussion easier!

11. Until autumn 1976, provisional Arrangements were circulated on Fridays and gave information only for the following week. The change was made to fit in with the Prime Minister's arrangements for considering proposals for future business.

13. Exceptionally, previous references from Cabinet minutes of the Caretaker Government were quoted in a few instances during Mr Attlee's Administration (see note of 9 January 1946, File 7/3/1).

14. 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 11 September 1939, File 4/3/7). The title 'Right Hon' is shown in the case of Privy Counsellors. The courtesy title of the 'Right Hon' is however omitted on the front page of minutes in the case of Peers who are not Privy Counsellors.

15. The contents list was first introduced, for Cabinet minutes, in January 1939 (see file 4/5/24).

16. This is not invariable. For example in a Committee items of a similar nature, eg Government Bills, are grouped together for convenience even if they were discussed in a different order.

17. The rules were drafted in 1984 and new instructions issued to the secretariat (CS(84) 2).
18. On one occasion the summing up was also recorded (OD(80) 2nd Meeting) but this is highly exceptional.

19. In 1967 a ‘limited circulation record’ (different to the Limited Circulation Annex mentioned in paragraph 4.34) was introduced (File 49/6). A typed version of the record was circulated to the Sovereign, the Prime Minister and, on a ‘see and return’ basis, to those Ministers who were required to take action. The Secretary’s copy was indexed and bound with the ‘most confidential records’. The printed version of the minutes usually consisted of a token minute in the form ‘The Cabinet discussed [the international monetary situation]; the conclusions reached were separately recorded and circulated only to the Queen, the Prime Minster and those Ministers who had to take action. The record is kept in the Bound Volume of Most Confidential Records in the Secretary’s Private Office’. But the use of limited circulation records has now been discontinued.

20. The responsibility of Departments for the reproduction of their own Committee memoranda was stated in a circular letter of 26 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. The Cabinet Office may exceptionally reproduce memoranda for non-departmental Ministers whose offices lack reproduction facilities eg the Lord President of the Council.

Thus, following a ruling by the Prime Minister, Cabinet papers continued to be sent to the [Minister for Land and Natural Resources after May 1966 when the Department of Land and Natural Resources was dissolved. And in December 1976, Cabinet papers were sent to Mr Judd (and subsequently Mrs Hart) who was appointed Minister of State for Overseas Development outside the Cabinet, notwithstanding that the Foreign and Commonwealth Secretary was, in form, the Minister in charge of the Ministry of Overseas Development.

22. Formerly, the Lord Chancellor was responsible for informing the English Law Officers of matters in Cabinet which affected them.

23. During the Second World War the Chiefs of Staff received copied of all War Cabinet memoranda.

24. In the period 1939-45 copies were more frequently send direct to officials. Before the outbreak or war the issue of memoranda to officials was extremely rare. Memoranda were sent to the permanent Secretary, Department of Economic Affairs from its creation in 1964 to its abolition in 1969. (See file 4/3/269 for issue of papers to the Director-General, Central Office of Information.)
25. Copies of Cabinet memoranda were also received by the Chief Scientific Adviser (1966-74) and the Chief Information Adviser (1969-70) when these posts existed in the Cabinet Office. In the latter case, Top Secret papers were not shown to the Chief Information Adviser.

26. In April 1931 the Labour Cabinet considered the questions 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 Counsellor and subject as such to obligations of secrecy (Cab 27(31) 6).

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

27. On 4 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 8 March 1922, in view of a series of unauthorised disclosures, the Cabinet decided (16922) 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. 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 to the Ministers of Information and Economic Warfare and the Chiefs of Staff. From June 1970, Mr Health’s Administration, the Paymaster General (with Responsibility for the Arts) received Cabinet Conclusions but not memoranda or Agenda notices.

28. These principles are set out in the memorandum ‘Questions or Procedure for Ministers’. Until 1964 the memorandum stated that ‘only exceptionally, and with the express authority of the Ministers, should a parliamentary Private Secretary be shown Cabinet or Cabinet Committee papers or other secret official papers’. Until 1969 there was a further instruction:
CONFIDENTIAL

‘If occasions arise on which it is necessary that any considerable number of officers should be consulted on particular issues arising out of Cabinet memoranda, this should be done by means of minutes addressed to the officers concerned, confined to the particular points on which they are required to advise, thus avoiding a wide circulation of the memoranda themselves.’

29. See Chapter Nine. Special Advisers who are to have access to Cabinet papers should be positively vetted. At present, when all Special Advisers are located in Departments, the Cabinet Office does not circulate papers directly to them – this is a matter for the Department. However, Cabinet Office were involved in circulating papers to the ‘Business Team’ appointed by Mr Heath in 1970 (see file 61/14).

30. In January 1967 the Northern Ireland Government waived their constitutional right to introduce legislation on their own prices and incomes and were content that the Prices and Incomes Act, 1966, should explicitly apply to Northern Ireland and it was therefore agreed that memoranda and minutes of the Official Committee on Prices and Incomes could be sent to Northern Ireland officials and that they could be invited to meetings or the Committee when items of specific interest to Northern Ireland were being discussed. This arrangement was subject to the safeguards that their identity as Cabinet Committee papers was concealed and papers classified ‘Secret’ or higher were not sent without the express authorisation of the Secretary and additionally that this exception should not be considered as constituting a precedent. See Files C170/1 and 61/11, Part 1.

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

32. In 1978 the Cabinet Secretary ruled that the UK Permanent Representative in Brussels (Sir D Maitland) should not received minutes of the Ministerial Committee on Community Questions (CQM) and should not automatically receive papers. When he was to attend such meetings in person he was, however, permitted to see the relevant papers 48 hours prior to the meeting on the understanding that they would be left with the Secretariat after the meeting.

33. Cabinet memoranda were also sent overseas for the general information of Ministers Resident Overseas during the Second World War.

34. In May 1962 the Chancellor of the Exchequer (Mr Selwyn Lloyd) asked the Secretary of the Cabinet for advice on what provision he should include in his will to safeguard any official documents which might be found among his papers. The Secretary of the Cabinet advised him to make it clear that any such documents would be the property of Her Majesty’s Government. These papers, together with those of when he was Secretary of State for Foreign Affairs, are now kept as a private collection in the Foreign Office Library.
35. The cases concerned were:

a. In a newspaper article published on 15 March 1970 Mr Emanuel Shinwell disclosed that he had in his possession Cabinet documents relating to the fuel crisis in 1946-47 when he was Minister of Fuel and Power. Lord Shinwell subsequently returned all Cabinet documents in his possession to the Cabinet Secretary in 1983.

b. 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 (Mr Attlee), but no further action was recommended. (File 4/3/290.)

c. When Mr 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.)

d. Mr Sandys left office after the election of 1964 still holding a number of Cabinet documents issued to him while occupying Ministerial posts. After an interval the Secretary of the Cabinet wrote to him asking him to return all documents falling within the terms of Sir Alec Douglas-Home’s Note C(P)(64) 4 of 16 October 1964. (See Annex G.) In his reply Mr Sandys agreed to return those official documents which he still retained and had not, at various times, burnt. (Files 4/3/273 and 4/3/314, Part 2.)

e. When Lord Butler left office after the election in 1964, it was found that the collection of ‘personal’ papers in his Private Office (for which he had not yet found alternative accommodation) included a number of Cabinet documents and other official documents. On the advice of the Secretary of the Cabinet, a member of the staff of the Public Record Office was engaged to sort out the official papers and list them. The Secretary of the Cabinet then wrote to Lord Butler informing him of what had been done and suggesting that in order to suit Lord Butler’s own convenience and at the same time to observe the instructions in Sir Alec Douglas-Home’s Note C(P) (64) 4, all the papers so collected should be kept as a separate ‘Archive’ in the Foreign Office where Lord Butler could have access to them at any time. Lord Butler agreed to this arrangement. (File 4/3/377.)

f. In October 1965 Mr Pannell, Minister of Public Building and Works, requested permission to have photographs made, for his personal retention, of minutes and letters exchanged between him and his colleagues, including the Prime Minister, and letters and memoranda between officials on the subject of
the transfer of control, from the Lord Great Chamberlain to his Department, of the Palace of Westminster. In view of the objection in principle to Ministers retaining copies of papers for their personal use, the Minister was advised by the Permanent Secretary, Ministry of Public Building and Works, that as a Minister or former Minister, he would always have access to such documents and in the event Mr Pannell withdrew his request. File 4/3/8, Part 5.

36. Among the earlier collections of this kind are:

- 4/3/364 and 5/5: The Cherwell papers in Nuffield College
- 28/2/395 and 5/24: The Tom Jones papers in the National Library of Wales
- 32/506 and 5/17: The Beaverbrook Archive (including Lloyd George and Bonar Law collections)
- 28/2/60 and 5/21: The Baldwin papers in the Cambridge University Library
- 5/10: The Balfour papers in the British Museum
- 5/15: The Jellicoe papers in the British Museum
- 5/16: The Milner papers in the Bodleian Library
- 5/18: The Hemmings papers in Corpus Christi College, Oxford
- 5/22: The Neville Chamberlain papers in Birmingham University Library
- 32/391: The Portal papers in Christ Church College, Oxford
- 5/1 Part 2: The Cockcroft papers in Nuffield College
- 5/1 Part 2 and 5/24: The Alexander papers in the Imperial War Museum
- 415/5: The Montgomery papers in Imperial War Museum and in private possession
- 5/26: Mr Arthur Greenwood’s papers in Lord Greenwood’s possession

37. In July 1954 the Grigg Committee which reviewed the preservation of Government records recommended (Cmd 9163), inter alia, the weeding and transfer of departmental records to the Public Records Office where as a general rule all records, including Cabinet records, should be open to public inspection after 50 years. In June 1955 the Cabinet authorised the implementation (to which Parliament subsequently agreed in the Public Records Act, 1958) of those recommendations of the Grigg Committee which could be brought into effect without prejudicing the Cabinet’s further consideration of the position of regarding Cabinet records (CM(55) 12th Conclusions, Minute 9). Two years later, in November and December 1957 (CC(57) 80th and 86th Conclusions) the Cabinet decided in principle that, subject to the agreement of the Opposition parties and to the consent of The Queen (given in February and July 1959 respectively) Cabinet records should also be opened in the Public Record Office after 50 years. These arrangements were notified to Parliament by the Prime Minister on 2 July 1959. The Advisory Council on Public Records, in their Report for 1964, recommended that the period should be reduced to 40 years, with more liberal access to official papers (including Cabinet records) within the
CONFIDENTIAL

period for 'established historians'. The Scottish Records Advisory Council recommended similarly. In August 1965 the Cabinet decided on the basis of a memorandum by the Prime Minister (C(65) 114), subject to the agreement of the Opposition parties and the Queen's consent, (a) to reduce the closed period to 30 years; (b) to maintain within that period the existing practice of allowing only exceptional access to departmental records under Section 5(4) of the Public Records Act; (c) to appoint official historians to write on selected topics within the closed period (the series of 'Peacetime Histories'), and (d) as a temporary measure, pending amendment of the Public Records Act, to released in a single operation the official records of the First World War to the end of 1922 (CC(65) 45th Conclusions, Minute 1). A Parliamentary announcement to this effect was made by the Prime Minister on 10 February 1966 and the Public Records Act of 1967 gave statutory effect to the 30 year rule.

38. The following cases illustrate points of particular interest about the rule that the Government of the day does not have access to papers of an earlier Government of a different political complexion:

a. In a debate on 26 February 1952, the Prime Minister (Churchill) revealed the policy of the Labour Government in 1951 towards the extension of hostilities in Korea. The Opposition claimed he had infringed the rule on access but in fact his information was derived from Foreign Office telegrams and despatches.

b. In May 1956 the Prime Minister (Sir Anthony Eden) authorised the Colonial Secretary to refer, in a debate on Cyprus, to the attitude of the Labour Government to a Greek approach in 1951 on the understanding that the information provided for him was obtained from executive instruments of Government and not Cabinet papers. A number of members (both Government and Opposition) subsequently asked that these documents should be published. These requests were refused but they led the Leader of the Opposition (Mr Gaitskell) to write to the Foreign Secretary suggesting inter-party discussion to try and reach an understanding whereby the Government of the day would not delve into the telegrams or despatches of a previous Administration in order to embarrass the Opposition on foreign affairs. The preliminary view of the Prime Minister and the Foreign Secretary was favourable to this approach but subsequent exchanges in the House or Commons about the existence of records relating to the Suez crisis made it unlikely that the parties could reach agreement and Mr Gaitskell's suggestion was therefore left unanswered. See File 7/3/1.

c. In June 1974, the Secretary of State for Industry, in a debate in the House of Commons, quoted from a letter issued by the Department of Trade and Industry under the previous administration. The Opposition challenged the propriety of this action. The letter was in fact the basis of a contract

CONFIDENTIAL

AUGUST 1992
between the Department and a firm of Chartered Accountants (Cooper and Lybrand). The Prime Minister subsequently wrote to Mr Heath explaining that, because the incoming Administration became responsible for the contract it was necessary for DTI officials to inform their new Secretary of State of its existence in order to get instructions whether the consultancy should continue. It was perhaps not strictly necessary for them to show him the letter for this purpose – they might simply have reported the terms in which the consultancy had been commissioned – but the distinction was a fine one.

d. See also File 19/4 Part 2 for an unusual case concerned with the propriety of showing the then Attorney General documents of a previous administration about the legal aspects of the sale of arms to South Africa. The situation was handled on the basis of showing the Attorney General, acting solely in his capacity as a Law Officer, certain texts to enable him to give his legal opinion on the understanding that he did not quote textually from these extracts in any papers which he subsequently circulated to his colleagues.

e. In 1982 the Conservative Secretary of State for Wales asked to see the 1977 National Health Service Advisory Service Report (unpublished) prepared for his Labour predecessor because it was referred to in the 1982 Report prepared for him. Although his request was granted it was subsequently judged that although a borderline case, it would probably have been correct first to have sought the agreement of Mr Callaghan who had been Prime Minister in 1977. (See A09147 of 29 July 1982.)

39. As regards papers on departmental files, the general principle is that an incoming Minister should not have access to any minutes or documents written by a predecessor of a different party; nor should be informed – whether directly or by access to departmental papers – exactly what his predecessor had said. The reconciliation of this principle with the practical requirements of administration, in particular the need for some continuity of policy, is not susceptible to any neat formula. General guidance on the subject is included in the Heads of Departments’ Personal handbook.

40. It is worth noting that this summarising of conventions was also a tidying up of the position on access to documents of a former administration of the same party, on which previous practice had not been fully consistent (see A03943 of 7 July 1982).

41. See for example statements by Sir Winston Churchill (11 February 1948), Mr Macmillan (17 March 1960) and Mr Heath (11 March 1971).

42. It is not clear when it first became accepted that the rule applied to all former Ministers. A letter of June 1948 notes that ‘the privilege has never been regarded as extending to former junior Ministers’ but equally a letter of August 1946 noted that the Cabinet Office would be disposed to give ex-junior Ministers access to documents
relating to work for which they had been responsible while in office. However, the matter was settled in 1951 when Mr Attlee circulated a note to all Ministers (CP(51) 267 or 26 October 1951) saying that 'any former Minister may at any time have access in the Cabinet Office to copies of Cabinet and Cabinet Committee papers issued to him while he was in office.'

43. In 1954, the Prime Minister (Churchill) stated that there was no fixed rule as to departmental documents but that, especially where political controversy was involved, it would be useful to have similar facilities in regard to documents seen or used by a Minister as for Cabinet documents. He also said that disagreements over access should be referred to the Prime Minister of the day and that, for security reasons, document should be inspected in the Department. (Hansard 11 February 1954, cols 1363-5).

44. In 1976 Lord Avon asked to see Chiefs of Staff documents relating to military operations in Suez when he had been Prime Minister. The Ministry of Defence declined to permit access on the grounds that COS papers were neither then or currently circulated to Ministers. A compromise was reached by allowing the contemporary CIGS (Templer) to refresh his memory and to advise Lord Avon accordingly. (file 80/57, part 4, Folio 55.)

45. The Crown did, however, agree in 1975 to put in evidence in the case over the publication of the Crossman Diaries the extract relating to Ministerial memoirs from the 1969 version of questions of Procedure for Ministers. This was with the express approval of The Queen.

46. A particular case occurred in 1989, when the Treasury Solicitor's UL lawyer working on the litigation between the Northern Ireland Department of Economic Development and Arthur Andersen on the De Lorean case had access to Cabinet Committee appears relating to De Lorean in part for the purpose of preparing the case against the discovery or those documents as the defendants were seeking.

47. In a debate on 19 February 1947 the Secretary or State for Dominion Affairs (Lord Addison) quoted from a War Cabinet memorandum (WP(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 test should be published as a White Paper with a number of minor adjustments to remove any suggestion that it was a Cabinet Paper. See File 28/2/96.

48. Mr Benn, in particular, has on a number of occasions made reference to the contents of Questions of Procedure for Ministers (which is, of course, a Cabinet document in the CP series) apparently drawing on a copy issued to him while a Ministers. Such references have generally been concerned with aspects or Ministerial propriety and calt with by referring to the Mmeorandum
submitted by Sir John Hunt in 1975 which repeated the test of the current version of Questions of procedure for Minister without indicating its provenance. Following a further controversy in December 1975 when extracts from an old edition of Questions of Procedure for Ministers were published in a newspaper as part of a somewhat tendentious account of the document's content and purpose (it was suggested that it was a tool to allow the Prime Minister to control his colleagues) Mr Callaghan (who had been Prime Minister at the time) suggested privately to the Cabinet Office that the document could be against releasing the document because of the precedent it would create for publication of Cabinet documents, even though there was no objection to releasing its contents as such.