CONCLUSIONS of a Meeting of the Cabinet held at
10 Downing Street, S.W.1, on Thursday, 7th July, 1966,
at 11.30 a.m.

Present:
The Right Hon. HAROLD WILSON, M.P., Prime Minister
The Right Hon. GEORGE BROWN, M.P.,
First Secretary of State and Secretary of State for Economic Affairs
The Right Hon. LORD GARDINER, Lord Chancellor
The Right Hon. MICHAEL STEWART, M.P., Secretary of State for Foreign Affairs
The Right Hon. ROY JENKINS, M.P., Secretary of State for the Home Department
The Right Hon. DOUGLAS HOUGHTON, M.P., Minister without Portfolio
The Right Hon. ANTHONY CROSLAND, M.P., Secretary of State for Education and Science
The Right Hon. THE EARL OF LONGFORD, Lord Privy Seal
The Right Hon. BARBARA CASTLE, M.P., Minister of Transport
The Right Hon. FREDERICK LEE, M.P., Secretary of State for the Colonies
The Right Hon. ANTHONY WEDGWOOD BENN, M.P.,
Minister of Technology

The following were also present:
Mr. ROY MASON, M.P., Minister of State,
Board of Trade (Item 3)
Mr. JULIAN SNOW, M.P., Parliamentary Secretary, Ministry of Aviation (Item 3)

Secretariat:
Sir BURKE TREND
Mr. P. ROGERS
Mr. W. A. NIELD
Miss J. J. NUNN

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1. The Cabinet were informed of the business to be taken in the House of Commons in the following week.

2. The Prime Minister said that little progress had been made in the informal talks between United Kingdom and Rhodesian officials. The Rhodesians had been less forthcoming than in the earlier talks in London and we had consequently considered it desirable to have a pause, during which time it was hoped that the continuing pressure of economic sanctions would induce a change of attitude on the part of the illegal régime. The action which we should take in the next phase was being considered by the Ministerial Committee concerned.

The Minister of Housing and Local Government said that he was concerned at the views expressed in the Foreign Secretary’s guidance telegram to oversea missions (No. 188 of 29th June) on our relations with Europe. These views did not appear to accord with those which had been taken by the Cabinet.

In discussion it was maintained that the telegram in question was in fact in full accord with the views publicly expressed by Ministers on the basis of the policy approved by the Cabinet. In the course of discussions earlier that day with the French Prime Minister, M. Pompidou, the Government’s position had been fully reserved in accordance with that policy. Detailed studies of the issues which would arise if the United Kingdom were to enter the Community were being prepared by officials and would shortly be considered by Ministers. Further discussion by the Cabinet of the issues of policy involved could best take place on the basis of the studies in question.

The Prime Minister said that a statement had been published that morning that he would visit Moscow on 16th to 18th July to see the British Trade Fair and that he would be the guest of the Soviet Premier, Mr. Kosygin. In the course of talks which he would have with the latter he would explore the possibility of an initiative which might lead to negotiations in respect of the conflict in Viet-Nam.

3. The Cabinet had before them a memorandum by the Minister of Transport (C (66) 97) to which was attached a draft of a White Paper on Transport Policy.

The Minister of Transport said that the draft White Paper had been very fully considered by the Ministerial Committee on Economic Development. The text had since been extensively
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redrafted to take account of the comments made in these discussions. The issues of policy were now agreed and, whilst some few editorial changes remained to be made, none of them involved matters of substance. In view of the acknowledged long-standing need for a comprehensive account of transport policy, she was anxious to have the draft published as a White Paper on Tuesday, 19th July.

In discussion it was urged that, quite apart from the references to future legislation and future public expenditure, the publication of a comprehensive White Paper of this nature, setting out the shape of transport policy for several years ahead and inevitably overlapping with other fields of policy, might provoke demands for further White Papers in those fields, for which the White Paper itself would be a precedent. On the other hand, it was pointed out that, since a comprehensive statement of transport policy had been promised for some time and could not easily be further delayed, the White Paper would meet a clear need. Indeed, there might well be a substantial demand from the public, and particularly from the transport industry, for a popular version of the White Paper.

In discussion of the text a number of drafting amendments were noted and the following points made:

Chapter X. Summary

(a) Paragraph 1. Steps were being taken to strengthen the regional planning machinery in view of the increased strain which would be placed upon it by the execution of the policies set forth in the draft.

(b) Paragraph 3 committed the Government, or the local authorities, to financial responsibility for losses on railway services retained for social reasons. This should not prejudge the outcome of future discussions as to the pattern of public expenditure on this or other programmes. The paragraph could be accepted on that basis; the more so, as a major objective of the new transport policy was to reduce the size of the railways deficit, rather than transfer deficits from one authority to another.

(c) Paragraph 6. One object of the discussions envisaged in this paragraph was to secure the assent of the trade unions to a policy of "open terminals".

(d) Paragraph 22. It would be inexpedient to commit all conurbation transport authorities to joint local authority control. The statement should be qualified by the insertion of the word "normally" before "under joint local authority control"; and by detailed reference in the main text of the White Paper to the position in Scotland, to be agreed between the Secretary of State for Scotland and the Minister of Transport. As regards the integration of public passenger transport services throughout the conurbations, it was the Minister's intention that this should be done so far as possible on the basis of public ownership, the local authorities acquiring private passenger transport services. There was as yet, however, no legislative authority for this, and it was not therefore possible to go further than the statement in the draft. It should also be made clear that the integration of public passenger transport services through
the establishment of conurbation transport authorities could be encouraged without prejudice to the work of the Royal Commission on Local Government, and a sentence to that effect should be inserted at the end of paragraph 22.

(e) Paragraph 23, which also envisaged future legislation and increased public expenditure, was acceptable on the basis that it did not prejudge later decisions under either head. References to future legislation were necessary because it would be impossible in many respects to carry out the proposed policy until the necessary powers had been secured by the amendment of the Transport Act, 1962. It had been envisaged that a Bill for this purpose should be a feature of the legislation in the next Session. The paragraph should be amended to make it clear that financial help would be provided for "transport authorities" as appropriate, and not solely for local authorities.

(f) Paragraph 27. The total of financial commitments involved in port improvements should be that provided for in the National Plan (which should be explicitly referred to) and the period of the provision should be precisely stated.

(g) Paragraph 33. The first sentence should refer to the "local authorities and other appropriate bodies in the regions concerned" to make it clear that the views of all organisations concerned with the preservation of amenities could be heard and taken into account.

(h) It might be desirable for the Annex, setting out the Preamble and terms of reference for the Joint Steering Group and Expert Working Party, to include the names of the members of those bodies, in recognition of the considerable time they were giving to this study. Further consideration should be given to this in the light of precedents.

In further discussion it was suggested that the draft did not sufficiently bring out the part civil aviation should play in the planning of an integrated transport system, especially as regards airports and their communications, and that the sequence of chapters might be reordered; for example, by putting the section dealing with railway freight immediately after the section dealing with freight passenger traffic.

The Prime Minister, summing up the discussion, said that the Cabinet approved the draft White Paper for publication on 19th July subject to the amendments indicated in discussion and on the basis that general references to future legislation and public expenditure did not constitute any commitment on the timing of such measures, nor on their scope and form in relation to legislation and expenditure in other fields.

The Cabinet—

(1) Invited the Minister of Transport, in consultation with the other Ministers concerned, to arrange for the revision of the draft on the lines agreed in discussion and, in
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consultation with the Lord President of the Council, to arrange for its publication.

(2) Invited the Minister of Transport to consider the desirability of publishing a short version of the White Paper designed for the general public.

4. The Cabinet considered a memorandum by the Lord Chancellor (C (66) 96) on the appointment of Justices of the Peace in England and Wales.

The Lord Chancellor recalled that the Cabinet had invited him to bring before them proposals for improving the arrangements for selecting Justices of the Peace in England and Wales. His proposals had been considered by the Home Affairs Committee, who, subject to certain minor qualifications, were in favour of them. For more than a century there had been complaint that the appointment of Justices was unfairly biased in favour of the predominant political party, and the methods of selection had been the subject of two Royal Commissions—those of 1910-11 and 1948-49. The first Royal Commission had expressed themselves strongly in favour of removing political opinions and services from the factors affecting selection: the paramount consideration should be the character, intelligence, repute and judicial temperament of the candidate, and the Bench should include people of all social classes and all shades of opinion. The second Royal Commission had endorsed these views and further recommended that the Advisory Committees, on whose advice Justices were appointed, should themselves represent a cross-section of the community without a preponderance of persons appointed because of their affiliation with political parties. Nevertheless, there was continuing criticism that an unduly high proportion of Justices was drawn from the relatively small body of people active in local politics, that political affiliations were still an important factor in selection, and in some areas the Bench was predominantly of one party. Given the increasing difficulty of the work of Justices, personal suitability must be a paramount consideration and, subject to this, it was more important that the Bench should be widely representative of all sections of society than that it should represent a balance of political opinions. The key to ensuring that Justices were in fact selected on this basis lay in reforming the Advisory Committees and in ensuring that suitable candidates for appointment to the Bench were not prevented from serving by considerations of financial loss. It was therefore proposed to reduce the political element in the Advisory Committees to one representative of each of the main parties, to draw the other members from a range of social backgrounds sufficient to ensure that the Committees had a wide personal knowledge of the community, to limit the period of service to six years, and, where appropriate, to appoint a person other than the Lord Lieutenant as chairman of County Committees. The Home Affairs Committee had already agreed that the allowance for financial
loss payable to Justices should be at the increased rate recently approved for members of local authorities, and that they should receive subsistence allowances whether or not they served less than three miles from home.

In the context of the improved selection and training of the main body of Justices, it would be anomalous to retain ex officio Justices who were not selected for their personal suitability and for the most part would not undergo training. The Cabinet had deferred a decision on proposals to abolish ex officio Justices pending consideration of improved methods of selection, and in the meantime there had been consultation with the associations representing local authorities, of whom the County Councils Association had agreed to abolition, but the associations representing Municipal Corporations and Urban and Rural District Councils had not, though they recognised that there should be restrictions on ex officio Justices sitting on the Bench if they did not undergo training.

In discussion there was general agreement that the objective should be to secure the appointment of Justices with suitable personal qualifications drawn from all sections of the community. The appropriate means of securing this would no doubt be the careful selection of the members of the Advisory Committees, but it was suggested that it could not be assumed that a reduction of the influence of political parties on the Advisory Committees and the substitution of professional persons, such as doctors, selected for their knowledge of the community, could be relied upon to secure the appointment of an adequate proportion of Justices from the lower income groups. In some areas it would remain true that pressure from the local Labour Party would be required to ensure the appointment of an adequate number of manual workers. On the other hand, it was urged that experience in cognate fields had shown that nomination by political organisations did not produce the most suitable people. Selection by a broadly based Advisory Committee would be likely to produce a better Bench from the point of view of the interests of lower income groups than selection on predominantly political grounds. Since, however, the difficulty of securing a proper diversity on the Bench might well lie partly in the fact that people well qualified to serve were not known to the Advisory Committees, or to those who submitted recommendations to them, it might be useful if the Committees consulted the local Member of Parliament who had a wide knowledge of the people in his constituency. They might also be asked to have regard to the desirability of drawing Justices from a wide variety of neighbourhoods: at present a high proportion of Justices appeared to live in the better-off residential areas.

The Prime Minister, summing up the discussion, said that the Cabinet agreed in principle that Justices should be selected for their personal qualifications and with the object of producing a Bench representative of all sections of the community. They also agreed that the Advisory Committees should be reformed on the lines
proposed; and in making his selection and in supervising the Committees' work, the Lord Chancellor should have in mind the points raised in their discussion. Against the background of these new proposals the Cabinet agreed to the abolition of *ex officio* Justices in England and Wales, but, since Privy Councillors would be among those who would lose this status, the Lord Chancellor should inform The Queen of his proposals.

The Cabinet—

Approved the proposals in C(66)96 for the reform of the arrangements for selecting Justices of the Peace and the abolition of *ex officio* Justices in England and Wales.

*Cabinet Office, S.W.1*,
*7th July, 1966.*