CABINET 29 (47)

CONCLUSIONS of a Meeting of the Cabinet held at 10 Downing Street, S.W. 1, on Tuesday, 18th March, 1947, at 11 a.m.

Present:

The Right Hon. C. R. ATTLEE, M.P., Prime Minister (in the Chair)


The Right Hon. Sir Stafford Cripps, K.C., M.P., President of the Board of Trade.

The Right Hon. Viscount Jowitt, Lord Chancellor.

The Right Hon. Viscount Addison, Secretary of State for Dominion Affairs.

The Right Hon. J. Westwood, M.P., Secretary of State for Scotland.

The Right Hon. G. A. ISAACS, M.P., Minister of Labour and National Service.

The Right Hon. HUGH DALTON, M.P., Chancellor of the Exchequer.

The Right Hon. A. V. ALEXANDER, M.P., Minister of Defence.

The Right Hon. J. Chuter Ede, M.P., Secretary of State for the Home Department.

The Right Hon. Lord Pethick-Lawrence, Secretary of State for India and Secretary of State for Burma.

The Right Hon. A. Creech Jones, M.P., Secretary of State for the Colonies.

The Right Hon. E. Shinwell, M.P., Minister of Fuel and Power (Items 1-5).

The Right Hon. George Tomlinson, M.P., Minister of Education.

The following were also present:

The Right Hon. ALFRED BARNES, M.P., Minister of Transport (Item 5).

The Right Hon. C. W. Key, M.P., Minister of Works (Item 5).

The Right Hon. Wilfred Paling, M.P., Minister of Pensions (Item 6).

L. J. Edwards, M.P., Parliamentary Secretary, Ministry of Health (Items 5-6).

The Right Hon. John Strachey, M.P., Minister of Food.

The Right Hon. Hector McNell, M.P., Minister of State.


Mr. Arthur Woodburn, M.P., Parliamentary Secretary, Ministry of Supply (Item 5).

Secretariats:

Sir Norman Brook.

Mr. W. S. Murrie.

Mr. S. E. V. Luke.
<table>
<thead>
<tr>
<th>Minute No.</th>
<th>Subject</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Anglo-Soviet Treaty</td>
<td>195</td>
</tr>
<tr>
<td>2</td>
<td>Cyprus</td>
<td>196</td>
</tr>
<tr>
<td>3</td>
<td>Palestine</td>
<td>196</td>
</tr>
<tr>
<td>4</td>
<td>Parliament</td>
<td>196</td>
</tr>
<tr>
<td>5</td>
<td>Debate on Defence White Paper</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Expansion of Fuel and Power Resources</td>
<td>196</td>
</tr>
<tr>
<td>7</td>
<td>Care of Deprived Children</td>
<td>198</td>
</tr>
<tr>
<td>8</td>
<td>Imprisonment (German and Austrian) Sentences Bill</td>
<td>200</td>
</tr>
<tr>
<td>9</td>
<td>Abolition of Special Juries</td>
<td>200</td>
</tr>
<tr>
<td>10</td>
<td>Coal</td>
<td>201</td>
</tr>
</tbody>
</table>
1. The Cabinet considered a memorandum by the Prime Minister (C.P. (47) 93) recommending that, in negotiating in Moscow the revision of the Anglo-Soviet Treaty, the Foreign Secretary should be given discretion to agree upon a Treaty going as far as, but no further than, the recent Anglo-French Treaty, and should have full latitude to make such variations from that model as he might think necessary.

In discussion the following points were raised:

(a) Reference was made to the suggestion (put forward in Moscow telegram No. 690A of 13th March) that it would be inappropriate to include in this Treaty an article similar to Article IV of the Anglo-French Treaty providing for constant consultation on economic matters; and that it would be sufficient to include a more restricted provision to the effect that the High Contracting Parties would do their utmost to promote and develop commercial and trade relations between their two countries.

It was the view of the Cabinet that there would be great advantage to this country in securing the inclusion in the Anglo-Soviet Treaty of a provision for constant consultation on economic matters, as this might have the effect of promoting the development of trade between the two countries. Moreover, any attempt to depart from the provisions of the Anglo-French Treaty in this respect would arouse suspicions both in Russia and in this country.

(b) Was there a risk that the inclusion of an Article on the lines of Article II of the Anglo-French Treaty might involve us in war if Russia had herself provoked a conflict by pursuing a provocative policy towards Germany?

The Cabinet were reminded that this point had been discussed in connection with the Anglo-French Treaty (C.M. (47) 25th Conclusions, Minute 4). The safeguards on which the Cabinet then relied would apply equally to this Anglo-Soviet Treaty. Moreover, this Article would not involve this country in commitments going beyond those already assumed under the Anglo-Soviet Treaty of 1942.

(c) The Secretary of State for Dominion Affairs said that some Dominion Governments had complained of the short notice given to them of the proposal to conclude a Treaty with France. In view of their great concern about relations with the Soviet Government, he would like to inform them at this stage of the lines on which it was proposed to negotiate a revision of the Anglo-Soviet Treaty.

The Cabinet—

(1) Invited the Prime Minister to authorise the Foreign Secretary to negotiate an Anglo-Soviet Treaty going as far as, but no further than, the Anglo-French Treaty, with latitude to make such variations as he might think necessary and discretion as regards the procedure and tactics to be adopted in the negotiations.

(2) Asked the Prime Minister to inform the Foreign Secretary of the Cabinet’s views about the importance of including in the Treaty provision for constant consultation on economic matters and, in general, adhering as closely as possible to the terms of the Anglo-French Treaty.

(3) Authorised the Secretary of State for Dominion Affairs to inform Dominion Governments of the proposals which were being made for the revision of the Anglo-Soviet Treaty, and of the extent to which the United States Government were being kept informed of these proposals.
2. The Prime Minister recalled that at their meeting on 11th February the Cabinet had authorised the Foreign Secretary to explore the possibility of reaching an understanding with the Greek Government that they would not raise for some years to come the question of the status of Cyprus. In subsequent discussion with the Foreign Secretary he had reached the conclusion that it would be preferable not to raise this matter with the Greek Government. The present Greek Government were not likely to raise this issue, but they could not bind future Greek Governments or speak on behalf of the Greek Communists. If discussions were opened with them, they were bound to raise the question of the Cypriots’ right to determine their future status and, as we were not ready to give them any satisfaction on that point, they would have no incentive to reach any understanding with us. There was also a risk that any such discussions with the Greek Government would become known and would provoke further agitation, both in Greece and in Cyprus.

The Cabinet—

Took note that the Foreign Secretary would not raise with the Greek Government the question of the future status of Cyprus.

3. Reference was made to the action taken by the High Commissioner for Palestine, with the concurrence of the local military authorities, in revoking the order applying martial law to certain areas in Palestine.

The Secretary of State for the Colonies informed the Cabinet of the circumstances in which this order had been revoked, and undertook to circulate a telegram on this subject, which he had received from the High Commissioner.

The Cabinet—

Agreed that the situation in Palestine should be discussed at their next meeting.

4. The Cabinet were informed that certain Government supporters had given notice of their intention to move an Amendment to the Government Motion inviting approval of the Statement relating to Defence (Cmd. 7042). This Amendment urged “that a further review should be undertaken of our military commitments so as to reduce the burden on our man-power and financial resources.”

The Lord Privy Seal said that an Amendment in these terms might be supported by the Opposition, and he proposed to see the sponsors of the Amendment before the debate with a view to persuading them not to move it.

5. The Cabinet had before them a memorandum by the Prime Minister (C.P. (47) 92) proposing that allocating authorities for labour, materials and other essential supplies should go as far as practicable to meet all necessary requirements for the manufacture and installation of specified classes of equipment required for the expansion of the country’s resources of fuel and power.

The following were the main points raised in discussion:

(a) Progressing organisation.—The Prime Minister asked what arrangements had been made for progressing the manufacture of the equipment listed in his memorandum.

The Cabinet were informed that the Minister of Supply had reconstituted under his Chairmanship the Heavy Electrical Plant Committee, and was strengthening his organisation for progressing orders for electricity generating plant and for coalmining machinery
and equipment. The main responsibility for progressing orders for the coal/oil conversion programme would continue to be undertaken by the Petroleum Board, who were in close touch with the manufacturers; but the Ministry of Supply would give such assistance as was required and would, in particular, progress the orders placed for the conversion of railway locomotives to oil burning. For gas undertakings, the main requirements were for replacement of existing plant; and the Ministry of Fuel and Power were arranging to give any assistance which the undertakings required in securing early completion of the orders which had been placed.

(b) Electricity generating plant.—The Prime Minister said that the short-term problem was to expedite delivery of orders already placed and to lose no practicable opportunity of converting power-stations from coal to oil burning. He had been disturbed to find that on this second point the advice hitherto given by the Central Electricity Board was disputed by the plant manufacturers, who foresaw no great difficulty in converting to oil-burning some of the larger power-stations. The Minister of Fuel and Power said that he also was concerned at this conflict of expert evidence; and he was considering whether he should appoint a Technical Committee under the Chairmanship of a scientist of high standing to advise him in such matters. He would submit an early report on this to the Prime Minister.

The long-term problem was mainly one of avoiding delay in placing firm orders for new power-stations and introducing the greatest measure of standardisation in design. The Minister of Fuel and Power said that hitherto it had not been possible to make as much progress with standardisation as he would have liked, since the orders were placed by particular undertakings over whom neither he nor the Central Electricity Board nor the Electricity Commissioners had direct powers of control. As, however, the industry was shortly to be brought under public ownership, it should now be possible to exercise a greater influence over the type of equipment ordered by particular undertakings; and he was considering whether it would not be advisable to appoint an organising Committee to take preparatory action in anticipation of the powers to be conferred on the British Electricity Authority by the terms of the Electricity Bill. A similar course had been adopted when the Coal Bill was passing through Parliament. It was suggested that, meanwhile, the manufacturers might be asked, through the Heavy Electrical Plant Committee, to assist by declining to undertake orders which deviated unduly from their standard designs.

(c) Gas undertakings.—The Cabinet were informed that progress was being retarded by a shortage of silica bricks. It was suggested that supplies of silica might be obtainable from Greece. The Minister of Works undertook to enquire into this.

(d) Railways.—It was proposed in C.P. (47) 92 that precedence should be given only to the manufacture and repair of locomotives and wagons intended for the transport of fuel. The Minister of Transport asked that this should be extended to cover all locomotives and wagons and also rails. The Prime Minister said that such an extension would involve an excessive curtailment of other important programmes. It was understood that this special precedence should be confined to a proportion of the total requirements of the railways corresponding to the proportion which fuel traffic bore to the total traffic carried. He would, however, ask the Chairman of the Materials Committee to consider whether the same precedence could be accorded to some proportion of the railways' requirements for rails.

(e) Building.—The Minister of Works said that, so far as concerned building, the proposals in C.P. (47) 92 would necessarily entail some reduction in other parts of the national building programme. He was, however, appointing a Committee, comprising representatives of the Departments affected, to take the necessary measures to expedite the supply of labour, civil engineering resources and housing required in connection with the provision of generating capacity.
Atomic energy.—The Prime Minister said that the proposals made in C.P. (47) 92 should not be regarded as overriding the request which he had recently made to a number of Ministers to facilitate the progress of the atomic energy programme.

The Cabinet—

1. Approved the proposals in C.P. (47) 92 regarding the precedence to be given to projects designed to increase the country's resources of fuel and power.

2. Took note that the Prime Minister would consider, in consultation with the Chairman of the Materials Committee, whether the same precedence could be given to some part of the requirements of the railways for rails.

6. The Cabinet had before them memoranda by the Lord Privy Seal (C.P. (47) 80), the Minister of Health (C.P. (47) 85) and the Minister of Education (C.P. (47) 88) on the recommendations of the Curtis and Clyde Reports on the Care of Children (Cmd. 6922 and Cmd. 6911).

The Lord Privy Seal recalled that the Prime Minister had appointed a Ministerial Committee under the Chairmanship of the Lord President to consider the recommendations made in these Reports. This Committee had heard the arguments in favour of assigning to the Home Office, the Ministry of Education and the Ministry of Health, respectively, the central responsibility for the care of children deprived of a normal home life; and the members of the Committee who were not departmentally interested had all reached the conclusion that, for the reasons set out in his memorandum, the balance of advantage lay on the side of conferring this central responsibility on the Home Office. Local responsibility should rest with the county or county borough councils, who should submit to the Home Secretary schemes for the discharge of these functions. These schemes should normally provide for the appointment of ad hoc children's committees. In Scotland the Secretary of State was already responsible for all functions relating to the care of children, but it was suggested that he should exercise this responsibility through the Scottish Home Department, local responsibility being assigned to the councils of counties and large burghs. If the Cabinet endorsed these recommendations it was proposed that an announcement of the Government's intentions should be made by the Prime Minister in the terms set out in Annex II to C.P. (47) 80.

The Parliamentary Secretary to the Ministry of Health said that the assignment of responsibility to the Ministry of Health would ensure that deprived children were not segregated and dealt with separately from other members of the community. Secondly, it would have the advantage of separating from delinquent children those children who were merely the victims of misfortune. Thirdly, as the Ministry of Health were already responsible for about 75,000 of the 125,000 deprived children, and as the health authorities already had an organisation for home visiting, concentration of responsibility on the Ministry of Health would be the simplest solution from the point of view of administration. Transfer of this responsibility to the Home Office would be criticised in Parliament and in the country as handing over the care of deprived children to a Department mainly concerned with offenders.

The Minister of Education said that in view of the heavy tasks now confronting his Department he would have been glad to avoid undertaking additional responsibilities. He was, however, convinced that the right course was to assign the central responsibility for deprived children to the Ministry of Education, who would work through the local education authorities. The present tendency was to widen the scope of education so as to include the whole of the life of the child, and the additional responsibility of looking after
all deprived children would be a natural addition to the work of educational administration. The County Councils of Middlesex and Surrey had already arranged to discharge their functions relating to deprived children through their education committees, and he was satisfied that administrative arrangements of this kind would be more likely to secure the welfare of the children than the appointment of ad hoc children's committees and the appointment of separate children's officers. He recognised that the logical conclusion of his argument was that the Ministry of Education should take over responsibility for Juvenile Courts, but he saw no insuperable difficulty in this.

The Home Secretary said that the health and education authorities were concerned primarily with their own specialist functions, and if this task were assigned to them there was a danger that they would lose sight of the primary need of the deprived child for a substitute home and would give too little attention to the individual circumstances of each child. The Home Office had always had a general responsibility for furthering the welfare of children in all respects not the specialist concern of other Departments, and it was a mistaken view that the concentration of this responsibility on the Home Office would mean that all deprived children would be branded as delinquents. The Curtis Committee had been least critical of the treatment of these (deprived children who were at present the responsibility of the Home Office; and, as the Cabinet knew, the three Ministers on the Ministerial Committee who had no departmental interest in the matter were in favour of assigning responsibility to the Home Office.

Other points in discussion were:

(a) The Secretary of State for Scotland said that he had originally contemplated that responsibility in Scotland should be exercised through the educational organisation. Since, however, the Cabinet seemed to favour the concentration of responsibility on the Home Office in England and Wales, he was ready to assign responsibility in Scotland to the Scottish Home Department and to accept the recommendation of the Clyde Committee that local responsibility should rest with the councils of counties and large burghs.

(b) The Cabinet were informed that the Admiralty, War Office and Ministry of Pensions had certain powers and duties in respect of the care of orphans of Service men. It was intended that these responsibilities should remain undisturbed, and it seemed desirable that this should be made clear in the proposed public statement.

(c) It might be worth considering whether there would not be advantages in allowing the Ministry of Health and the public assistance authorities to continue to discharge their functions in relation to deprived children under the Poor Law and the Child Life Protection Acts until 1st April, 1948, when it was contemplated that the final break up of the Poor Law would be carried out. If such an arrangement were adopted, it might be unnecessary to make any order under the Ministers of the Crown (Transfer of Powers) Act and the proposed public statement could be amended accordingly.

(d) Attention was drawn to the importance of announcing the Cabinet's decision in such a way as to give no ground to the suggestion that deprived children were being handed over to the police.

The Cabinet—

(1) Agreed that central responsibility for the care of deprived children should be concentrated in the Home Office and the Scottish Home Department; and that local responsibility should lie with the councils of counties, county boroughs and large burghs, who should be required to submit schemes to the Home Secretary and the Secretary of State for Scotland for the discharge of their functions through ad hoc children's committees and for the appointment of children's officers of suitable standing.
7. The Cabinet considered a memorandum by the Chancellor of the Duchy of Lancaster (C.P. (47) 89) seeking approval for the introduction of a Bill to authorise the imprisonment in Great Britain of British subjects sentenced to imprisonment or penal servitude by Control Commission Courts in Germany and Austria.

The Lord Chancellor explained that, in response to criticisms of the detention of British subjects in a German prison, the Chancellor of the Duchy of Lancaster had indicated that legislation for this purpose would be introduced, though he had not indicated when this would be done. There was much to be said for the proposed legislation. The Cabinet should be aware, however, that it was likely to provoke discussion in Parliament on various complex legal questions connected with the occupation of Germany, including the status of the courts by which these sentences were imposed. If the authority of these courts were impugned, it would have to be defended on the ground that it derived ultimately from the Control Council, and this line of argument might lead to the Government's being challenged on the difficult question whether they could properly be said to be at war with a Germany in which there was no Government other than the Control Council.

The Attorney-General said that he shared the fears of the Lord Chancellor that the introduction of the Bill would provoke discussion of the question whether His Majesty's Government could properly be said to be at war with Germany. Though no guarantee could be given that this question would not be raised in any event, the Cabinet might think it unwise to precipitate it by introducing the proposed Bill.

The Cabinet—

Agreed that the Chancellor of the Duchy of Lancaster should not proceed with his proposal for legislation authorising the imprisonment in this country of British subjects sentenced to imprisonment by Control Commission Courts in Germany and Austria.

8. The Cabinet had before them a joint memorandum by the Lord Chancellor and the Home Secretary (C.P. (47) 80) proposing the abolition of all special juries save the City of London Special Jury in Commercial Causes.
The Lord Chancellor said that, after consulting the Judges, he was satisfied that there was no ground for retaining special juries (except the City of London Special Jury in Commercial Causes) for the trial of either civil or criminal matters. He recognised that it would not be practicable to introduce at once the necessary legislation; but in view of the Parliamentary interest in this matter he asked that the Cabinet should take a decision in principle and authorise a statement that it was the Government's intention to abolish special juries, though they could not promise early legislation.

The Cabinet—

(1) Agreed in principle that, with the exception of the City of London Special Jury in Commercial Causes, special juries should be abolished.

(2) Authorised the Attorney-General to announce that the Government had so decided, as a matter of principle, though they could not promise early legislation to give effect to that decision.

The Prime Minister said that he had that morning received the Executive Committee of the National Union of Mineworkers and discussed with them the prospects of reaching the target output of coal proposed in the Economic Survey for 1947 (Cmd. 7046). They had assured him that there was now a much better spirit in the mining industry and that a substantial increase in output could be expected. They believed that, given the conditions which had now been agreed with the National Coal Board, the introduction of the five-day week need not involve loss of output.

The Prime Minister said that the representatives of the Union had promised to consider the appeal which he had made to them for increased output; but he thought it unlikely that they would volunteer to suspend the introduction of the five-day week. If no offer of postponement were forthcoming from the Union, he thought that the Government would have no alternative but to authorise the National Coal Board to introduce the five-day week on 5th May.

In discussion it was suggested that, if it were found that the five-day week was in fact operating to reduce output, the question of suspending its operation might at a later stage be taken up with the Union.

The Cabinet—

Took note of the Prime Minister’s statement.

Cabinet Office, S.W. 1.
18th March, 1947.