CABINET
INQUIRY INTO CAPITAL PUNISHMENT
Memorandum by the Home Secretary and the Secretary of State for Scotland

At their meeting on 15th November (C.M. (48) 73rd Conclusions, Minute 5) the Cabinet invited us to bring before them on Thursday, 16th November, the proposed terms of reference of the Royal Commission on capital punishment, revised in the light of the discussion at the Cabinet, and the draft of the statement which it is proposed to make in the House of Commons.

2. We accordingly submit the following revised terms of reference:

"To consider and report whether liability to suffer capital punishment for offences against the criminal law of Great Britain should be limited or modified, and if so, to what extent and by what means, for how long and under what conditions persons who would otherwise have been liable to suffer capital punishment should be detained, and what changes in the existing law and the prison system would be required; and to inquire into and take account of the position in those countries whose experience and practice may throw light on these questions."

3. We suggest that the reply to the Parliamentary question should be in the following terms:

"On 22nd July I informed the House that the question whether there are practical means of limiting the death penalty would be explored. The Government have given careful consideration to the question how this can best be done and have decided to appoint a Royal Commission for the purpose. The terms of reference and membership of the Royal Commission are still under consideration and will be announced in due course. At this stage I can only say that the scope of the inquiry will be the question whether liability to suffer capital punishment for criminal offences against the law of Great Britain should be limited or modified, what alternative punishment can be substituted and what are the changes in the law on the prison system involved by any alternative punishment. The Commission will be invited to take account of the position in those countries whose experience and practice may throw light on these questions."

4. We ask for the approval of the Cabinet to the revised terms of reference and to the terms of the proposed reply to the Parliamentary question.

J.C.E.
A.W.

Cabinet Office, S.W.1.
16th November, 1948.