I wish to circulate to my colleagues the attached Notes on certain Bills, some of which are of considerable urgency, and at the same time are not of a particularly controversial character, with a view to a decision being reached as to their introduction into Parliament after the end of the adjournment.

The Bills are classified in three categories, having regard to their degree of urgency and importance. The most pressing of them all is the one which stands first in the list, namely:—the War Charges (Validity) Bill, and I would suggest for the reasons given in the note appended on the subject of that Bill that it should be introduced at the first possible occasion and proceeded with as rapidly as can be managed.

I.

(a) War Charges (Validity) Bill.
(b) Carriage of Goods by Sea Bill.
(c) Merchant Shipping (Labour Conventions) Bill.
(d) Sale of Bread Bill.
(e) Arbitration Clauses in Commercial Agreements (Protocol) Bill.

II.

(f) Bankruptcy and Companies Departments' Fees Bill.

III.

(g) Measuring Instruments Bill.
(h) Coastguard Bill.

In addition to these Measures, I am interested in the provisions as to the continuance of the Government...
Export Credits Scheme which will find a place in the Trade Facilities Bill - a Measure for which the Treasury will presumably be chiefly responsible. This is most urgent in connection with unemployment. There is also an Imperial Institute Bill which will, I understand, be brought before the Cabinet by the Colonial Office.

The question of passing a Government Merchandise Marks Bill has been agitated for a number of years. I do not see my way at present to recommend the Cabinet to sanction the introduction of a Bill on this subject at the present time as the technical and largely non-controversial proposals would occupy much time and any measure would be likely to raise directly or indirectly highly controversial issues. The non-controversial proposals are not pressing.

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I. URGENT,

(a) WAR CHARGES (VALIDITY) BILL.

This measure is one for making valid certain charges and levies imposed by the Government during the late War, in order to prevent traders from making undue profits by reason of war conditions, and to provide for the control of various commodities. The legality of one kind of levy in connection with the control of milk was tested in the Courts, and the House of Lords decided judicially against the Crown in June, 1922; this decision has been followed by the High Court in the case of a charge made in respect of a licence to transfer a British ship to a foreign flag; the result is to put in doubt the legality of all the other levies, and if they are not validated by a special measure, claims for repayment may be made aggregating £18,000,000, and possibly more.
A statement was made in the House of Commons in March, 1922, by the Coalition Government that if the then pending appeal to the House of Lords was given against the Crown, the Government would bring in a Bill to legalise their procedure in cases of this nature during the period of control. In July, shortly after the judicial decision of the Lords against the Crown, the only debate on the matter which has taken place in Parliament occurred when in the House of Lords a motion "that the Government should reimburse all persons who have been compelled to pay the illegal tax of 2d. a gallon as a condition of a licence to sell, outside the southwest counties, milk produced in those counties" was defeated. The then Government introduced at the beginning of August a Bill to legalise all the various charges in question excepting those for the milk levies. The Bill made no progress, nor did it make any when introduced last year, owing in both cases to pressure of time.

Retrospective legislation is always open to objection but, on the other hand, there will probably be no general sympathy for any traders who would have had an advantage over their competitors if the charges had been remitted. Support from the members of the late Government could, I should think, be relied upon. I accordingly suggest that this Bill should be proceeded with forthwith as it is most urgent to pass a Bill as expeditiously as possible.

(b) CARRIAGE OF GOODS BY SEA BILL.

The Imperial Economic Conference passed a resolution in favour of Empire legislation to give statutory validity to/
to certain Rules respecting Bills of Lading which had already been agreed to by all parties concerned in this country and have been approved by International Conferences. The Carriage of Goods by Sea Bill, which proposes to give the necessary validity to these Rules in this country had passed the House of Lords last session after amendment by a Select Committee of both Houses. It would be desirable for this country to take the lead in putting on its Statute Book without delay the requisite legislation, and I have had resolutions from a number of important commercial bodies urging that the Bill should be made law at the earliest possible date. It should have an easy passage, and could, if desired, be introduced, as was the case last session, in the Lords.

(c) MERCHANT SHIPPING (INTERNATIONAL LABOUR CONVENTIONS) BILL.

This Bill proposes to give effect in this country to three Conventions adopted by the International Labour Organisation of the League of Nations in 1920 and 1921. The Conventions were signed by (among others) all the British representatives, i.e., the representatives of the Government, the employers and the seamen; but they have not been ratified by this country pending the passing of legislation. The Conventions provide for (1) the compulsory payment of two months' wages to unemployed shipwrecked seamen by the shipowners, (2) a minimum age for trimmers and stokers of British ships, and (3) the medical examination of persons under 18 years of age employed on board ship.

The passing of this Bill, especially that part of it relating to the Unemployment Indemnity, would give satisfaction to the seamen, who have pressed for the passage of the necessary legislation, and at the same time it would not be likely to raise much opposition from the owners. I suggest, therefore, that its early introduction might be of advantage.
(d) SALE OF BREAD BILL.

For the last 100 years Bread, other than fancy bread, has had to be sold by weight, but, until the war, loaves might be of any weight. In 1917 the Food Controller made an Order providing that no loaf should be sold unless its weight were 1 lb. or an even number of pounds. This provision is being kept in force by the Expiring Laws Acts, and remains until December next. Mr. Clynes, when Food Controller, gave an assurance that careful consideration would be given to a proposal for permanent legislation on this subject, and the Rathcreedan Inter-departmental Committee recommended that the principle of a fixed minimum weight for a loaf should be embodied in an Act of Parliament.

The Bill was introduced in 1922, but the Scottish Local Authorities wished to extend it to various types of fancy bread, thereby rendering it contentious. It was accordingly, not further proceeded with.

I am having the matter discussed again with the Scottish Office, and hope to be able to put forward shortly a measure in agreement with them, for consideration.

(e) ARBITRATION CLAUSES IN COMMERCIAL AGREEMENTS (PROTOCOL) BILL.

The Bill proposes to give effect in this country to a League of Nations Protocol, which has been signed on behalf of His Majesty's Government, and those of France, Belgium, Italy, Greece, Lithuania, Brazil, Uruguay and Panama. The Protocol remains open for signature by other States. It comes into force after ratification by two States, and thereafter takes effect in the case of each contracting State one month after the deposit of its ratification. The intention is that it should be ratified by His Majesty's Government after the passage of the Bill.
The Protocol provides that the contracting States shall recognise the validity of agreements by which the parties to a contract agree to submit to arbitration differences, existing or future, which may arise in connection with the contract: that they will ensure the enforcement of arbitral awards in their own territory: and that if cases are brought before the ordinary Courts in respect of contracts which provide for arbitration, the Courts shall refer the parties concerned to the decision of the Arbitrators, without prejudice, however, to the competence of the Courts if the arbitration proceedings cannot proceed.

The Arbitration Act of 1889 which is in force in England and Wales, provides that arbitration awards on a submission shall be enforced in the same manner as judgments or Orders of Court. In regard to litigation brought forward in respect of a dispute the subject of arbitration, the Act leaves it to the discretion of the judge or Court whether an Order shall be made staying the proceedings. Under the Protocol, such an Order must be made. Legislation is necessary to give effect to this requirement, so far as concerns arbitration agreements to which the Protocol applies. It will receive support from the commercial community, among whom the Protocol has been welcomed, and this is a further Bill which might have an early introduction in the Lords.

II. LESS URGENT.

(BANKRUPTCY AND COMPANIES DEPARTMENTS' FEES BILL.

Under the present law, fees received by the Board of Trade for Bankruptcy work have to be applied to meet the expenses of Bankruptcy administration, and those obtained in Companies' liquidation, to meet the expenses of Companies administration.
The Bankruptcy Fees and interest on balances are insufficient for the purpose notwithstanding that they have been raised to as high a figure as is considered expedient, whilst in the case of Companies liquidation, there is a substantial profit. The Treasury desire to amalgamate the two classes of fees, so that the loss on one administration can be made up by a gain on the other; and to make it no longer necessary in fixing the amount of the fees, to take into consideration the interest on certain balances, the object being to raise the Companies Liquidation Fees to a level approximating that charged by outside liquidators. I think this is not unreasonable, and that a Bill should be introduced.

III. NOT URGENT.

(g) MEASURING INSTRUMENTS BILL.

The object of this Bill is to remedy a defect in the existing law, under which measuring instruments are free from any effective control.

Of these instruments the most important at present are petrol-measuring pumps, which deliver petrol direct to the tanks of motor cars. Complaints of short measure from these instruments have been made by private individuals, and in the technical press. On the other hand, the petrol-pump, with its underground storage chamber, is much to be preferred, from the point of view of public safety, to the two-gallon can, and is more convenient in every way, so that there is no doubt that it will come extensively into use in the future.

It will also be possible to deal, under the Bill, with measuring instruments used in factories for ascertaining wages, such as

(1) "Wrap-reels" used in textile factories for automatically measuring the length of material produced by a workman, and
(2) instruments for measuring by counting, such as scales of unequal leverage which count a large number of small articles, - e.g., screws - by placing a few in one pan, and the bulk in the other.

The proposal to bring such instruments within the scope of the Bill is concurred in by the Home Office.

The measure was introduced in the House of Commons in 1922, but made no progress. There were no signs of serious opposition to it, however, and if it were re-introduced it could perhaps be got through as a non-contentious measure. A large number of local authorities, motor and other associations, manufacturers, etc., have made representations to the Board of Trade in favour of the Bill.

(h) COASTGUARD BILL.

The Coastguard was recently transferred from the Admiralty to the Board of Trade; and the former consider that it is necessary to repeal or amend the Coastguard Service Act, 1856, by which the Coastguard was put under their control. As regards the tenure of lands and houses, the Office of Works believe that legal difficulties will arise if the transfer of Admiralty leases is not provided for by statutory enactment. The Departments agree with the proposed Bill and it will probably be non-controversial.

L.W.

Board of Trade,
1st February, 1924.