CHILDREN AND YOUNG PERSONS BILL.

Memorandum by the Home Secretary.

I submit to the Cabinet a Memorandum by Mr. Oliver Stanley on the situation that has been created by the action of the House of Lords in inserting an amendment into the Children and Young Persons Bill, dealing with the employment of persons between the ages of 14 and 18 in the "unregulated occupations".

I am myself inclined to the view that the best course now is to agree to the amendment, with the modification suggested by Mr. Stanley. The suspensive provision puts the matter on a different footing from hitherto: it will be an answer to opponents of the proposal, who may complain that they have been out-manoeuvred, and with the acquiescence of the Government. They will have a full opportunity of expressing their view, and inviting the decision of the House of Commons upon it, if and when an authorising Resolution is brought before Parliament. Should the Home Office be able, as the outcome of inquiries now about to be undertaken, to frame alternative proposals on better lines, it could still do so, and present its new scheme in a Bill as intended. That Bill would supersede the conditional clause now proposed to be added to the Statute Book, and the clause could be repealed, without having been put into effect, at the same time that the better provision was enacted.

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A difficulty has arisen with regard to the Children and Young Persons Bill about which it is necessary to obtain the decision of the Cabinet. It will be remembered that when the draft Bill was submitted to the Cabinet it contained provisions which empowered the Local Authorities to regulate the employment of persons between the ages of 14 and 15 in the so-called "unregulated occupations", but it was then decided by the Cabinet (Cabinet Conclusions 3(32), Conclusion 1) that these provisions should be omitted owing to their controversial nature and their possible effect on industry. During the Committee Stage in the House of Commons, it became obvious that there was widespread sympathy among the supporters of the Government for a new Clause, moved by Lady Astor, which would have had the effect of restoring these provisions. So probable did it seem that such a new clause might be carried in Committee that I asked the Cabinet for further instructions, and was authorised (Cabinet Conclusions 23(32), Conclusion 2) while opposing the clause to pledge the Government to the introduction of a measure dealing with this question as soon as the industrial situation improved. In consequence of this pledge, many supporters of the Government who were strongly in favour of the proposed regulation subordinated their own personal sympathies to their loyalty and the clause was defeated by 29 to 9. When the matter came before the House on Report Stage, the Government pledge was repeated and the proposed new clause was again defeated by a majority of 193 to 68, though many of those who supported the Government in the division lobby were in sympathy with the clause.

During the Committee Stage of the Bill in the House of Lords, a similar clause was moved by Lord Astor, with the
addition of the following words - "Provided that this section shall not come into operation until a Resolution has been passed by both Houses of Parliament." After a brief discussion in which only four temporal peers took part, of whom one spoke against the clause and another was a member of the opposition, Lord Snowden, who was in charge of the Bill for the Government, explained that while he was instructed to oppose the amendment, his sympathies were perhaps over-riding his loyalty in the matter, and in view of the proviso he did not see any immediate harm in the new clause proposed. He accordingly accepted the clause without a division.

I therefore ask for the instructions of the Cabinet as to the course which is to be pursued when the House of Commons is asked to consider the Lords' amendment. It is useless to disguise the fact that considerable feeling has been aroused. Many Members who sympathised with the provisions but in deference to my appeals supported the Government in rejecting the clause, are now asking why back-benchers in the House of Commons should alone be expected not to let sympathy over-ride their loyalty and they feel that, in consequence of my appeal to them and their response to it, they have been put in a thoroughly false position in the eyes of their constituents. It would in any case be difficult to ask them to reject an amendment which the House of Lords thought so innocuous in its effect upon industry that they accepted it without a division.

On the other hand, if the House is now advised to accept this amendment made by the Lords, those who are opposed to these provisions but accepted the statement of the Government that they would not be included in the Bill, when they see that this amendment was not carried by the Lords in the face of the Government Spokesman but passed with his acquiescence and encouragement, will feel deprived of their legitimate opportunity of criticism and amendment.
As the clause now stands the necessary resolution can be moved by any private Member, and in any event it should be made clear that it should originate only from the Government. This alteration would present no difficulties from a drafting point of view. Further, the government will now be subjected to a constant pressure to introduce and to carry the resolution which would put the clause into operation.

Finally, the addition of the proviso postponing the operation of the new provisions does not remove the objections to the inclusion of the new clause in the Bill. Considerable difference of opinion was shown during the course of the debate in the House of Commons as to the wisdom of the methods, quite apart from the desirability of the principle - a matter which appears to have escaped the attention of the House of Lords. There was strong support for the view that these duties should not be put on local authorities, and I promised that, in the interval before the Government considered the industrial improvement sufficient to warrant the implementing of this pledge, I would investigate the question of devising alternative machinery for carrying it into effect. No greater disservice could have been done to the supporters of the principle than the acceptance of a clause which stereotypes the machinery in the form which now appears to be the least acceptable to the House of Commons and the least likely to receive its approval.

In these circumstances I should be glad to have the decision of the Cabinet whether the House of Commons is to be advised to agree or disagree with the Lords in their amendment.

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