Memorandum by the President of the Local Government Board.

1. Whatever Bill the Government elect to introduce must be the Bill of the Government and they commit themselves to the clauses and to the policy embodied in the clauses. It is therefore important that the provisions of the Bill should be well considered before they are brought in. It is particularly necessary that the present Bill should be agreed upon by all the Departments whose functions it may touch. It is not enough for the Minister of Reconstruction to say that such and such a clause is put in to conciliate such an such an interest or is the price at which such an such an opposition can be withdrawn. Until the Bill is before the House it is speculative to say what is the strength of a particular interest or faction, and it is therefore unwise to admit clauses merely to appease a section of public opinion unless the Government either accept their views or feel that their opposition cannot be withstood.

2. It is also necessary for the Government to have come to some decision on the scope and purpose of the Bill. The object of the measure as described in the Report of the Sub-Committee of which Dr. Addison was the Chairman, was to secure the more efficient working of existing public health services. By common consent it is agreed that it shall only extend to the powers of the Central Government relating to Health. The several Departments enumerated in the Report as concerned with the public health are the Local Government Board, the English and Welsh Insurance Commissioners, the Board of Education, the Ministry of Pensions, the Home Office, the Board of Trade, the Board of Agriculture, the Privy Council, the Admiralty and the War Office. All the arguments currently used in support of a Ministry of Health are based on the idea of co-ordination. Though I am in favour of a Ministry of Health, I do not believe that complete co-ordination of the health functions of the Central Government in one watertight compartment would ever be possible. But whatever we are to do we must know what we are doing and with what functions under what Departments we are proposing to deal.

3. The comments on the Bill that follow are made mainly with two objects, one to anticipate points which I feel sure will be raised and will have to be answered if the Bill is introduced as it stands, and the other to avoid the inclusion of unnecessary matter.

Clause 1. - It is not possible to divorce Health from Local Government which it forms so large a part and with which it is inextricably intertwined. Practically all the Local Authorities whether Councils of Counties, Boroughs, Districts or Parishes or Boards of Guardians are concerned in greater or less degree with health. And they all are also engaged with questions not related to health. Similarly the Local Government Board, though largely occupied with health questions, deals with a variety of topics not specially relating to health. Thus it sanctions loans for all purposes, approves bye-laws on a variety of subjects, authorizes alienation of lands, deals with highways, rating, audit, old age pensions, local statistics, local Acts &c. &c. I therefore think it would be more appropriate to call the Minister the "Minister of Local Government and Health".

Clause 2. - I think this clause should define with
sufficient clearness the functions which are to pass from other Departments to the new Ministry either at once or subsequently. It may be a question whether a time limit should be imposed for the transfer of the services which are not to pass at once. Both Parliament and the Departments affected will I think claim to know what are the intentions of the Government. Remembering that the whole of the case for a Centralised Ministry of Health is argued on the vital necessity of immediately co-ordinating in one Department the Health functions of some dozen Departments, I can hardly suppose that questions will not be asked as to the possible immediate transfer to the new Ministry of the following powers:—

(a) The powers of the Board of Education with reference to the inspection and treatment of the ailments of school children;

(b) The powers of the Home Office in relation to the Board of Control and in relation to infant life protection;

(c) The powers of the Privy Council under the Medical Acts and the Midwives Acts;

(d) The powers of the Board of Agriculture in regard to milk and other foods; and

and as to the probable transfer within a short period of:

(a) The powers of the Minister of Pensions in regard to the treatment of sick and disabled men;

(b) The powers of the Board of Trade in regard to the health of the Mercantile Marine;

(c) The powers of the Home Office relating to those who work in Factories and Mines.

It is not possible to base the Bill on the need for co-ordination and to leave all these powers un-co-ordinated and the possibility or probability of their co-ordination a nebulous blank. The proper course as it seems to me is to indicate (a) the powers which are to be transferred at once and (b) the powers which are to be transferred within a fixed time, setting each category of powers out in the Bill.

I am not in favour of any transfer from the Ministry of Local Government and Health of powers not strictly concerned with health. Major Astor suggested for example that audit might be transferred. This would be a most retrograde step. The audit of the accounts of local authorities who are the Public Health Authorities should obviously be under the control of the Minister who is in charge of the concerns of those Authorities.

The course which I am disposed to suggest is that, before any Bill is circulated, the Home Affairs Committee should communicate with all the Ministers concerned and should invite them to confer on the question of the extent of powers to be transferred. When this is done there would be no difficulty in drafting the necessary clauses. Unless this is done amendments may be sprung on us for the transfer of powers of various departments, to which it will be difficult to reply.

Clause 3. I assume that this is regarded as
necessary if all the powers of the Insurance Commissioners are transferred. I should myself have preferred a less ambitious scheme which would have rendered this clause unnecessary.

Clause 4.—I have already urged my objections to this clause on constitutional grounds. I think the clause should be omitted. If it be retained, it should be in the following terms:—"It shall be lawful for the Minister to establish an Advisory Council for advising him on any matter which he may think fit to refer to them". An Order in Council is unnecessary. The initiative must lie with the Minister and with no one else, and he must have the right of determining the appointment of any member of the Advisory Council. To suggest, as appears to be intended, that members of the Council shall be nominated by the Crown for fixed periods independently of the Minister is to put him into an almost untenable position. He could dismiss his permanent officials but could not get rid of members of his Consultative Committee.

Clause 5.—This clause is not I conceive necessary to the Bill. Subject to the consent of the Treasury, and of the House of Commons in connection with his Vote, the Minister can maintain a branch office away from London if it is necessary. The clause as drafted reads rather as though it was intended to establish a new office. I presume all that is really contemplated is the continuance of a National Health Insurance Office at Cardiff.

First Schedule. I have already expressed my opinion as to the undesirability of including paragraph 1 of this Schedule. It contains an assumption to which I believe it is impossible to give effect, and its mere presence will bring into being all the forces of the Poor Law Guardians whom it is proposed to abolish without at the same time bringing to the aid of the Government the supporters of some well-considered measure of reforming our Poor Law Administration.

W. HAYES FISHER.
WAR CABINET.

The attached Paper has been referred to the Committee of Home Affairs.

2, Whitehall Gardens, S.W.