MEMORANDUM BY THE CHAIRMAN OF THE COMMITTEE OF HOME AFFAIRS.

1. THE Committee of Home Affairs has considered the Ministry of Health Bill at five meetings, in the course of which it has received a deputation from the Royal Colleges of Physicians and Surgeons and a deputation representing the signatories of the memorial to the Prime Minister dated the 12th July, 1918. On the 18th July the Committee decided that a Bill to establish a Ministry of Health ought to be prepared and introduced, and as the result of our deliberations we have decided to recommend to the Cabinet for their approval:—

The Ministry of Health and Local Government Bill, G.T.-5760 A (Appendix (A));
The draft of the Ministry of Health (Consultative Council) Order in Council, G.T.-5760 B (Appendix (B));
The draft statement on Poor Law Reform, G.T.-5669 (Appendix (C));

which are attached below.

2. The following notes on the clauses of the Bill indicate in greater detail the result of the Committee's consideration of the proposals of the Minister of Reconstruction and also the principal points in which the present draft differs from that submitted by him to the Cabinet in March (G.T.-4399).

Clause 1. Title.—The original proposal was that the new Ministry should be called "Ministry of Health." We have come to the conclusion, however, that the title should be "Ministry of Health and Local Government." This title will be welcomed by the Local Government authorities, but accepted with reluctance by representatives of the medical and insurance interests.

Clause 2 indicates the general powers and duties of the Minister, and has been extended so as to indicate that the Minister will have wide powers connected with the medical services of the country.

Clause 3.—The transfer of powers and duties to and from the Minister is more extensive and is specified with greater precision than in the original draft. The Committee desires to make the scope of the New Ministry as comprehensive as possible; and at our suggestion, the Minister of Reconstruction negotiated with the various Departments with the result that the transfer provisions have been expanded as follows:—

(i.) Powers to be immediately transferred to the Minister of Health and Local Government:

(a.) Local Government Board powers.
(b.) Insurance Commission powers.
(c.) Powers of Board of Education in regard to the health of expectant mothers, and children under 5.
(d.) Privy Council powers under the Midwives Act, 1902.
(e.) Home Office powers under part 1 of the Children Act, 1908.

(ii.) Powers that may be transferred from time to time by Order in Council:

(a.) Board of Education powers with respect to Medical Inspection and treatment.
(b.) Powers of Ministry of Pensions with respect to the Health of Disabled and Discharged Officers and Men.
(c.) Home Office powers under Lunacy Acts and Mental Deficiency Act.

(iii.) Among the powers and duties to be taken over from the Local Government Board there are several which it may be expedient subsequently to
transfer from a Ministry of Health and Local Government. These are specified in Schedule 1 of the Bill. Special provision is made for Medical Research in this proviso of this clause. The enlarged scope of the Ministry will, we think, be welcomed by all in favour of the Bill.

Clause 4.—This empowers the Minister to set up Consultative Councils for giving him advice and assistance in connection with such of his powers and duties affecting or incidental to the health of the people as may be referred to by the Orders in Council establishing the Councils.

The need for such Councils is very strongly urged by the Insurance Organisations and by the Medical Profession. The deputation from the Royal Colleges of Physicians and Surgeons emphasised their views on this point when they came before the Committee, and they subsequently had further interviews with the Minister of Reconstruction upon the detailed provision of the Bill and the draft Order in Council relating to the Consultative Councils.

As a result of these negotiations we have decided that such Councils should not be restricted to giving advice on “questions referred to them” by the Minister, as was at one time suggested. We propose that they should be empowered to initiate advice to the Minister on subjects within their functions, as specified in the Order establishing them.

A draft Order in Council is appended, and article 11 deals with the point immediately under notice.

It is contemplated that it may be desirable to establish Councils for separate subjects, such as medical, insurance, financial questions—hence the common form in which the draft is submitted.

The clause enables the Minister to establish a separate office in Wales.

Clauses 6 and 7 make provision as to Staff, Remuneration, Seal, Style, and Acts of the Minister.

Clause 8 refers to the procedure in regard to Orders in Council made under the Bill.

These must be published in the “Gazette” and on the Table of each House thirty days before they are made. In the case of resolution of both Houses of Parliament is required to confirm an Order providing for the transfer to another department of the powers and duties in relation to the regulation of procedure at elections of local authorities or the supervision of the registration of electors, the Bill requires that the Order shall be confirmed by a resolution of both Houses of Parliament; but any other Order becomes effective if no address is presented against it within the thirty days.

Clause 9 makes special provision for Scotland in accordance with the suggestions made by the Secretary for Scotland.

Clause 10 deals with the modifications in the Insurance Acts consequential upon the provisions of this Bill.

Clause 11 deals with title and interpretation.

Schedule 1.—This schedule specifies certain powers that may be transferred from the Ministry.

In the draft Bill originally submitted to the Cabinet the first schedule contained a declaration to the effect that in the event of Parliament amending the Poor Law, the poor law powers of the Minister of Health might be transferred by Order in Council to other Government Departments.

The Trade Unions and the Insurance Organisations (especially the Friendly Societies) were said to be anxious that this specific reference should appear in the Schedule of the Bill; but the Committee came to the conclusion that it was not desirable to insert it. The declaration would clearly have had no practical value, as any legislation revising the Poor Law must necessarily provide for a transfer of powers, and it would be useless to attempt to regulate by anticipation the effect of such legislation. On the other hand, the insertion in the Bill of such a provision would crystallise the opposition of the Poor Law Guardians, and would seriously prolong the discussions on the Bill.

The Committee therefore suggested that the Minister of Reconstruction and President of the Local Government Board should interview representatives of the
Insurance Organisations with a view to the deletion of this reference in the Schedule, and the substitution of the declaration of policy to be made by the Government in the form attached. The proposal was accepted with reluctance by the Insurance Organisations; and it is possible that the Friendly Societies will continue to press for a provision in the Bill. The Committee, however, recommend to the Cabinet that they should adopt the declaration in lieu of such provision. In most quarters such a declaration will be welcomed.

3. The Committee therefore recommend—

(a.) That the attached Bill should be introduced, and that, in view of the importance of the subject and in the light of the representations made to them, it should be introduced as soon as possible after the reassembling of Parliament;

(b.) That the Minister in charge of the Bill should be authorised to make a declaration of policy as to the Poor Law, as in the draft below;

(c.) That the attached draft Order in Council should be approved, and laid on the table of the House when the Bill is introduced.

G. C.

September 24, 1918.