CONCLUSIONS of a Meeting of the War Cabinet held at No. 10 Downing Street, S.W. 1, on Wednesday, 25th April, 1945, at 11.30 a.m.

Present:

The Right Hon. W. S. Churchill, M.P., Prime Minister (in the Chair).

The following were also present:
The Right Hon. Lord Beaverbrook, Lord Privy Seal.
The Right Hon. Sir Stafford Cripps, K.C., M.P., Minister of Aircraft Production.

Secretariat:
Sir Edward Bridges.
Mr. Norman Brook.

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1. The War Cabinet considered a Memorandum by the Home Secretary and Minister of Home Security (W.P. (45) 258) on the disbandment of the Civil Defence Services.

The Home Secretary and Minister of Home Security proposed that the war-time organisation of Civil Defence should be disbanded as soon as the Chiefs of Staff had advised that further attacks on this country by aircraft, flying-bombs or long-range rockets were no longer to be expected. Once the local authorities had been instructed to disband the organisation, the Services would be unable to function on an operational basis. Part-time members would be released at once: whole-time members would receive two months' notice and in that time would be progressively released as other work was found for them by the Ministry of Labour.

The Secretary of State for Air said that the process of disbanding the Royal Observer Corps should start simultaneously with that of disbanding the Civil Defence Services. It would, however, be necessary, as a preliminary, to devise alternative arrangements to replace the services which the Royal Observer Corps now performed in relation to aircraft safety. It would also be desirable to retain a nucleus organisation, so that the Corps could be reconstituted in any future emergency. He would consult with the Home Secretary and Minister of Home Security so as to ensure that the arrangements for the disbandment of the Royal Observer Corps were concerted, particularly as regards any public announcement, with those for the disbandment of the Civil Defence Services.

The Minister of Labour and National Service asked whether the proposals in W.P. (45) 258 extended to the National Fire Service. This Service contained a number of drivers and able-bodied men who were urgently required at the present time for civil work. The Home Secretary and Minister of Home Security pointed out that for the National Fire Service, which had a peace-time function, the problem was not one of disbandment, but of reduction to peace-time strength. This reduction was already proceeding; but he undertook to consider whether it could be accelerated.

The general view of the War Cabinet was that, subject to the views of the Chiefs of Staff, local authorities should be advised to proceed forthwith to give notice to whole-time members of the Civil Defence Services and to begin the process of winding up the whole of the war-time organisation for Civil Defence. Corresponding action should be taken in respect of the Royal Observer Corps.

The War Cabinet—

(1) Took note that the Prime Minister would arrange to obtain that day the views of the Chiefs of Staff on the question whether further air attack on this country was to be expected;

(2) Subject to the views of the Chiefs of Staff on this point, agreed that immediate steps should be taken to begin the disbandment of the Civil Defence Services and the Royal Observer Corps.

2. The War Cabinet considered a Memorandum by the Home Secretary and Minister of Home Security (W.P. (45) 292) on the legal basis of economic control in the transition period.

The Home Secretary and Minister of Home Security said that, in his view, it was inexpedient that the economic controls required in the transition period beginning with the end of hostilities in Europe should continue to rest on powers conferred by the Emergency Powers (Defence) Acts. During this period economic controls would increasingly be used, not for the purposes of the war against Japan, but for securing a smooth transition from a war-time to a peace-time economy. These were not the purposes which Parliament had in mind when it conferred these powers on
the Executive and their use for such purposes would be liable to challenge in Parliament, if not the Courts. Parliament had already shown anxiety about the extent to which these powers might be used after the end of the war in Europe and about the need for further Parliamentary safeguards; and the House of Commons had only been willing to renew the Acts for the current year on the understanding that, before the question of further renewal arose, Parliament would be given a full opportunity of reviewing the situation and considering, in particular, the use of economic controls for the purposes of the transition period. In these circumstances, the Home Secretary thought that the time had now come to separate the powers of economic control from the defence powers required for the war against Japan; to seek express Parliamentary authority for the use of economic controls after the end of the war in Europe for purposes other than purely war purposes; and to concede a greater measure of Parliamentary control over the exercise of these powers of economic control. The draft Bill annexed to his Memorandum was designed to give effect to these objectives. It was a Bill which ought, in his view, to be presented to Parliament by a Government representing all the main political Parties. It ought to be passed into law before the Emergency Powers (Defence) Acts fell due for further renewal in July. And it ought to be in operation soon after the end of hostilities in Europe. If, therefore, the War Cabinet accepted his proposals, the Bill ought to be introduced into Parliament at an early date.

The Bill had been prepared under the direction of the Reconstruction Committee; and the Minister of Reconstruction concurred in the proposals made in his Memorandum.

The Lord Privy Seal said that legislation on the lines proposed would place on a different, and more permanent basis powers of economic control which had been assumed only for purposes connected with the war. Clause 1 (1) (b) of the draft Bill annexed to W.P. (45) 222 seemed to him to imply that these controls would be continued on a peace-time basis after all hostilities had ended. The statement about the continuance of controls which the Prime Minister had made in the House of Commons on the 16th November, 1944, related only to the period between the defeat of Germany and the defeat of Japan. And an earlier statement made by the Secretary of State for Air, with the Prime Minister's authority, in a broadcast speech on the 21st August, 1940, had contained the assurance that "all those emergency measures which affect the liberty of the subject shall disappear with the passing of the emergency." The Law Officers had advised that the emergency contemplated by the Emergency Powers (Defence) Acts covered, not only the period of hostilities, but, within limits, the dislocation which the conduct of hostilities had caused in the national life; and, so far as concerned at any rate the early part of the transition period, such economic controls as were still required could continue to be based on powers derived from the Emergency Powers (Defence) Acts. Parliamentary criticism would, in his view, be directed mainly against the retention of Defence Regulation 18B and similar Regulations limiting personal liberty; and these criticisms would be met by the withdrawal of these Regulations at the end of the war in Europe. In these circumstances he would prefer to continue to rely on the Emergency Powers (Defence) Acts and to postpone any question of further legislation until the end of the Japanese war.

Points in further discussion were:

(a) While the Emergency Powers (Defence) Acts would clearly cover matters arising directly out of the war (e.g., matters connected with the demobilisation of the Armed Forces), there would be room for legal argument on the question whether powers derived from those Acts could properly be used for enforcing priorities in post-war reconstruction—e.g., controlling the use of timber so as to ensure sufficient supplies for the post-war housing programme. After the last war there had been some disposition on the part of
the Courts to challenge the continued use of war-time powers after hostilities had ended. It seemed undesirable to run the risk of a similar challenge on this occasion. It would be preferable to put the matter beyond doubt by obtaining fresh Parliamentary sanction for the use of these powers for the purposes of the transition period.

(b) Some powers of economic control would be needed so long as shortages continued, and it was already clear that some shortages would continue beyond the end of the Japanese war. Thus, in the economic field, some emergency powers would probably be needed beyond the date on which the need for defence powers would disappear. There was likely to be a strong demand for increased Parliamentary supervision of these powers of economic control; and one of the main objects of the legislation now suggested was to concede an increased measure of Parliamentary control in this field.

(c) The Minister of Labour and National Service said that, in matters affecting his Department, it was becoming increasingly clear that some emergency powers would be required for the purposes of the transition period. He was now engaged, with the Minister of Works, in discussions with the building industry which were likely to result in their accepting measures of dilution in return for a special agreement regulating conditions of employment in house-building work. There were likely to be other cases of this kind; and it would hardly be practicable to promote special legislation on each occasion for the enforcement of such agreements. The form of the draft Bill annexed to W.P. (45) 222 might need further consideration; but he believed that, in principle, some extension of emergency powers to cover the purposes of the transition period would be required.

(d) The new legislation proposed by the Home Secretary and Minister of Home Security would be permissive. It would be for the Government of the day to determine the extent to which these powers should be continued for the purposes of the transition period, and the use which should be made of powers so extended. The introduction of such legislation would be quite consistent with a policy for the gradual relaxation of economic controls.

The War Cabinet, while reaching no final conclusion, were disposed to favour the general approach to this problem indicated in the Memorandum (W.P. (45) 222) by the Home Secretary and Minister of Home Security; and agreed to consider at an early meeting proposals for legislation embodied in the draft Bill annexed to that Memorandum.

Offices of the War Cabinet, S.W. 1,
25th April, 1945.