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CABINET BUSINESS

Scope of Business

22. The Cabinet has no terms of reference. In the report of the Haldane Committee on the Machinery of Government (Cmd. 9230 of 1918) its main functions were described as follows:-

- (a) the final determination of the policy to be submitted to Parliament;
- (b) the supreme control of the national executive in accordance with the policy prescribed by Parliament; and
- (c) the continuous co-ordination and delimitation of the authority of the several Departments of State.

23. There are, however, certain matters which are not regarded as appropriate for collective decision; and by custom these are not normally discussed in Cabinet. Lord Oxford and Asquith said that these included "the exercise of the prerogative of mercy, the personnel of the Cabinet and the making of appointments" (Jennings, page 179); and Jennings himself adds the Budget, the exercise of the prerogative of dissolving Parliament and, possibly, public prosecutions.

(i) Personnel of the Cabinet. This is hardly an example of an excluded subject; for it is difficult to imagine circumstances in which a Cabinet could usefully discuss its own composition or its members. The composition of the Cabinet - both its size and the individuals who should compose it - is essentially a matter for the personal decision of the Prime Minister himself. He first forms it; and, if changes are required, he must make them. No one could suppose that this could be Cabinet business. Gladstone is reported to have said in 1882, in a letter to a friend:- "I can affirm with confidence that the notion of a title in the Cabinet to be consulted on the succession to a Cabinet office is absurd. It is a title which Cabinet Ministers do not possess. During thirty eight years since I first entered the Cabinet, I have never known more than a friendly announcement before publicity and very partial consultation perhaps with one or two, especially the leaders in the Second House." (Morley's "Life of Gladstone", Volume III, page 101).

(ii) Making of appointments. Appointments are normally made by the decision of the Prime Minister or of the Minister having power to make the appointment. But, where political considerations are involved, the responsible Minister may mention the person whom he has in mind to his colleagues in Cabinet and give them the opportunity of expressing their views on the political considerations. The responsible Minister is normally left to take his final decision in the light of that expression of views. The Minister would not normally put his proposals to the Cabinet in a formal memorandum inviting their approval. Nor would it be usual for the Cabinet formally to record a collective decision in favour of a particular appointment. In the case of appointments of the highest importance - e. g. before India attained independence, the appointment of a Viceroy - the Prime Minister would often inform the Cabinet in advance, as a matter of courtesy, of the advice which he was proposing to tender to the King.