ACTION PRIOR TO SUBMISSION OF BUSINESS

The current notes on procedure state:

The business of the Cabinet consists, in the main, of:

(i) Questions of major policy which affect a number of departments or engage the collective responsibility of the Government.

(ii) Questions on which there is a conflict of interest between departments which has not been resolved.

Except in cases of extreme urgency, questions falling under the second of these heads should not be referred to the Cabinet until all possible means of resolving the conflict have been exhausted, including personal correspondence or discussion between the Ministers concerned.

Similarly, it is the rule that matters falling under the first head should be thoroughly examined at the official level, if necessarily interdepartmentally, before they are referred to Ministers, so that the policy decisions required may be clearly defined.

Proposals which involve expenditure or affect general financial or economic policy should always be discussed with the Treasury - and, if Treasury agreement has not been secured at the official level, with the Chancellor of the Exchequer - before they are submitted to the Cabinet or to a Ministerial Committee. Full consideration must also be given to the probable cost in terms of man-power of any proposal involving new or extended administrative commitments. It is a standing instruction that any proposals submitted for consideration shall, if they would involve the employment of additional staff or would place a financial burden on the Exchequer, be accompanied by an estimate of:

(a) the man-power likely to be required by Government departments (and also, where practicable, an estimate of the man-power required outside the Government service); and

(b) the cost to the Exchequer, whether direct or through grants-in-aid of local rates.

An indication should always be given that the cost to the Exchequer has been discussed with the Treasury; and special attention should be drawn to proposals of whose potential man-power requirements the Treasury have not been informed.

These rules do not, of course, limit the right of Ministers to submit to the Cabinet memoranda setting out their views on general issues of policy.

Ministers should not hesitate to consult the Law Officers, as colleagues in the Government, on legal questions which arise in the formulation and administration of policy.

Matters which fall wholly within the Departmental responsibility of a single Minister and do not engage the collective responsibility of the Government need not be brought to Cabinet at all. A precise definition of such matters cannot be given and in borderline cases a Minister is well advised to bring the matter before his colleagues.

(C.P. (49) 95, paragraphs 1-7)
In January, 1920 the Cabinet ruled that the financial details of proposals must be discussed with the Treasury before submission, and to this end they agreed that a Treasury representative should be added to the Cabinet Secretariat.

In 1924 it was laid down (Cab. 27(24)4) that the Law Officers should see draft Bills at an early stage and that prior consultation between Departments should always be carried out. A Treasury circular was issued (April, 1924) covering these points; it also laid down the rule that no memorandum could be put on the Cabinet agenda until at least five days after its circulation. This circular was re-issued when Mr. Baldwin's Government took office later in 1924 (Cab. 59(24)1).

In 1929 the Cabinet ruled that draft Bills should not be submitted until after their subject matter had been fully examined between the Department responsible and the Treasury, the Law Officers (where contentious Bills were concerned) and the other Departments interested (Cab. 22(29)1). This decision was specially brought to the attention of Departments in 1931 in Treasury Circular 8/31 of 25th February, 1931 and again in Treasury Circular No. 13/37 of 24th June, 1937. (Pile 15/34/1 Fts. 1 and 2)

Before the war all Bills had to have prior approval by the Cabinet before introduction, but during the war this practice lapsed. In 1944, however, in connection with the Requisitioned Land and War-Works Bill (which had been introduced without submission of the draft to the War Cabinet) the War Cabinet ruled that no Bill dealing with a controversial subject should be introduced unless the policy had been considered and approved by the War Cabinet. (W.M. 25(45)4).

In December, 1942 the War Cabinet asked (W.P. (42)541 and W.M. 163(42)) that full consideration should be given to the man-power implications of new proposals.

In 1947 Departments were required, in terms of Treasury Circular No. 16/47, to see that when proposals were put before the Cabinet or a Ministerial Committee an estimate was included of any additional man-power required to put them into effect. This instruction was repeated in the general directive issued by the Prime Minister in November, 1948 (C.F. (48)288) on the cost of new schemes in men and money. The substance of this directive was reproduced in paragraph 4 of C.F. (49)95. (File 15/34/36).
The Cabinet's discussion normally proceeds on the basis of memoranda circulated in advance of their meeting.

Memoranda for the Cabinet should be as brief and as clear as possible. The model memorandum explains at the outset what the problem is, indicates briefly the relevant considerations and concludes with a precise statement of the decision sought. While it is sometimes useful to include a summary of the main points brought out in the body of the memorandum, such a summary should never exceed a few lines; any longer summary defeats its purpose and simply means repetition. So far as possible prefatory covering notes should be avoided. To facilitate reference in discussion, paragraphs should be numbered. Supporting data may often be relegated to an Appendix. If authority is sought to make a statement or despatch a telegram a draft may be attached. Time spent in making a memorandum short and clear will be saved many times over in reading and in discussion, and it is the duty of Ministers to ensure that this is done by personal scrutiny, and where necessary revision of the memoranda submitted to them by their officials. In particular, the use of unnecessary neologisms and obscure technical terms should be avoided.

A memorandum intended for consideration by the Cabinet, other than one commenting on a memorandum already circulated, must be circulated two clear days before the meeting at which it is to be considered. A precise formulation of this rule has been issued to all Departments by the Secretary of the Cabinet, who is responsible for seeing that it is strictly enforced. The permission of the Prime Minister is required for any exception to this rule and will be granted only in cases of extreme urgency.

The pre-war rule was that memoranda should be circulated five clear days before the meeting at which they were to be considered (C.P. 88(36) Appendix I). This rule (which went back to 1924) was relaxed during the war of 1939-45 during which the present two day rule was introduced.

In 1945 when the Caretaker Government took office a number of Coalition Government memoranda remained to be considered. The Secretary of the Cabinet asked the successors of the outgoing Ministers responsible for these memoranda whether they were prepared to resubmit them in their own name or whether they wished them to be withdrawn. A number were in fact considered without change by the new Cabinet. File 4/3/261.
In 1932 the Prime Minister (Mr. MacDonald) (Cab.9(32)11) asked "that his colleagues should make it a regular practice before circulating memoranda to the Cabinet to pass them through his hands." Such prior submission became the rule, but in 1934 the Prime Minister renewed his request, adding that "he took a lenient view as to what should be circulated" (Cab 13(34)1 and 30(34)2). It is not clearly established when the practice of prior submission to the Prime Minister lapsed. In 1943, however, the Prime Minister's Private Secretary said that for all practical purposes the practice had lapsed. (Minute of 27th April, 1943 File 4/1/6A Pt. 2)

It was also customary before the War to send to the Chancellor of the Exchequer a copy of all memoranda received for circulation and to delay circulation until his consent was obtained. This practice lapsed on the outbreak of war in 1939.

**ACTION IN THE CABINET OFFICE**

Notes on current practice in the Cabinet Office in the arrangement of Cabinet business are given in Annex II.