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ADVISORY BODIES

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ADVISORY BODIES

A Study of their Uses in Relation
to
Central Government
1919–1939

edited by
R. V. VERNON, C.B.
and
N. MANSERGH, B.LITT., M.A., D.PHIL.

With a Preface by Sir Arthur Salter, K.C.B., M.P.

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PREFACE

The proper use of Advisory bodies is the right answer of representative democracy to the challenge of the Corporative State.

A Parliament elected upon a general franchise and a geographical basis is very suitable for the political problems which dominated the scene in the last century—the gradual extension of equal voting power and the abolition of political privilege and disabilities. But for the specialized economic and social problems of a modern state it is insufficiently expert in itself to control administrative action. There is this element of truth in Signor Mussolini's contention that the public must be represented upon a "functional" principle; that is, through representatives of different specialized occupations. But if there is no ultimately sovereign authority, representative not of occupations but of the people as a whole, such a functional system becomes merely an instrument of dictatorship; since the dictator chooses, or creates, the functional bodies to be represented, and the method by which they select their representatives. If, however, we have a Parliament based, like our own, upon a general franchise, which can both determine the legislative limits within which the executive works, and remain as a vigilant guardian of the rights and interests of the public, that danger will not arise. Democracy is then not ousted but supplemented by the Advisory bodies, and will increase, not diminish, its effective participation in Government by their extended use.

This book is intended to help the student and the administrator to learn how Advisory bodies can best be constituted and employed. The reader will, I suggest, do well, in studying the experience here summarized, to think always of the psychology and the preoccupations of the officials who are continuously engaged in discharging the duties entrusted to them by Parliament, subject to the pressures and criticisms of the public both in Parliament and outside. He will thus best understand why some types of Advisory bodies are welcomed and are effective; and others are regarded with distrust and remain impotent. The official desires to get on with his job with as little interference as possible from criticism and resistance.

In the course of his task he often finds that some extension of legal powers and obligations is desirable in the interest of the work on which he is engaged, but that opposition from different sections of the public may impede the passage of the necessary Bill through Parliament. In such cases he will suggest to his Minister the appointment of a Committee or Commission to explore and remove the difficulties before a Bill is introduced. A body so appointed, with the full co-operation of the Government service, usually works quickly and leads to definite and practical results.

Radical changes are usually initiated from outside the Government service, and, on all the more complicated social and economic problems, exploration by a Royal Commission is the usual preliminary to legislative action. Commissions thus initiated in response to an external movement of opinion have a very varied record. Some lead to quick results; some are abortive; some seem to have failed for the time and then produce great results a decade or more later. The student will find it interesting to trace, in their failure and success, the interaction of the influence of the official and of movements of public opinion. It is important, however, to recognize that, in social change, inquiry by Royal Commission is so generally a preliminary of legislation as to have become almost a part of the legislative process.

Advisory bodies in relation to administration stand on a different basis. They are looked at with a more jealous eye by the official, because they are not, like those directed to prepare legislation, in their nature temporary; and because they involve participation in what is already a part of the official's regular duties. He will sometimes welcome the assistance of a highly specialized Advisory body of experts who will provide scientific or other expert knowledge of a kind in which the service recognizes itself to be deficient; but his inclination is to incorporate the required experts in the permanent service and to dispense with the external body. In other cases, where administrative action involves the co-operation of large external organizations, like Trade Unions or Friendly Societies, the official will sometimes welcome an Advisory body for the purpose of making the policy developed in the Department more palatable. In such cases, however, he will usually be anxious to keep the Advisory body well under control and to use it to

persuade the public of the merits of the Department's policy rather than to modify it.

The variety of the problems in which Advisory bodies are now utilized is so great that any such generalizations must be subject to many exceptions and qualifications. But the reader will, I think, be helped by the suggestions just made in his task of finding what is most significant in the experience here recorded, and what practical conclusions can be drawn.

ARTHUR SALTER

FOREWORD

The Politics Research Committee was constituted in January 1937 to organize an inquiry into the use of advisory bodies in relation to Central Government. The inquiry was not intended to be exhaustive. It was limited to a survey of advisory bodies designed to assist the central permanent organs of government to fulfil their functions with expert advice from *outside* the machine; that is to say with advice from persons who are not directly responsible for the work of government or administration. For rather obvious reasons consideration of the work of committees of this kind appointed by certain departments, notably the Service Departments, the Foreign Office, and the India Office, was altogether excluded. For the remainder alternative methods of treatment were possible; the one exhaustive, the other selective. In view of the volume of material to be studied the risk of over-weighting the survey was sufficiently real to determine the Committee in favour of selective treatment. In Part II of this study, where the actual research is undertaken by reference to the use made of advisory bodies by individual departments, it will be noticed that their work in relation to certain departments (other than those specifically excluded) is not considered. In the case of the Home Office and the Lord Chancellor's Office, the outbreak of war was responsible for the omission. In the case of other departments, such as the Scottish Office, the Office of Works, and the Post Office, the omission was deliberate. It was felt that a detailed study of advisory bodies in every department would make the survey cumbersome without securing any counterbalancing advantage. The method of treatment adopted has allowed of exhaustive analysis within a field which is, though restricted, representative. The analysis of the advisory bodies which fall within the terms of reference has been carried out in relation to the work of those departments which make most notable use of "outside" advice in this way. A list of advisory bodies appointed by departments which are not the subject of individual study is to be found in the Appendix.

The organization of this co-operative study in politics has been

financed by a grant made by the University from the Rockefeller Benefaction for the development of Social Studies at Oxford. The Committee wish to take this opportunity of expressing their appreciation of its generosity. The Committee would also like to record their grateful thanks to the contributors whose studies constitute the principal part of this book. Sincere thanks are due to the Editor, Mr. R. V. Vernon, formerly of the Colonial Office, whose experience and counsel, freely placed at the disposal of the contributors, has been of the greatest assistance to them.

Finally the Committee is greatly indebted to certain distinguished Civil servants who discussed the work and character of advisory bodies in the light of their own personal experience, at private meetings of the Politics Group held in All Souls. While what was said at these meetings was confidential, it was of the greatest assistance in enabling contributors to obtain a proper perspective in dealing with the mass of public information that had to be studied. The speakers at these meetings included:

Sir Horace Wilson, G.C.B., Permanent Secretary, the Treasury, and Head of H.M.'s Civil Service.
Sir John Maude, K.B.E., Deputy Secretary, the Ministry of Health.
Sir Alan Barlow, K.B.E., Under Secretary, the Treasury.
Sir Arthur Street, K.B.E., Permanent Under Secretary of State for Air (at that time Second Secretary, Ministry of Agriculture and Fisheries).
Sir Wilfrid Eady, K.B.E., Deputy Under Secretary of State, Home Office (at that time Secretary of the Unemployment Assistance Board).
Mr. F. W. Leggett, C.B., Under Secretary, Ministry of Labour.

Without their guidance, and the goodwill and co-operation of other Civil servants who patiently answered innumerable inquiries, this study would have been very much the poorer.

None of these speakers nor anyone except the contributors is in any way responsible for the opinions expressed in this book.

N. M.

OXFORD,
June 1940

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PART I

INTRODUCTION

by R. V. VERNON

The Oxford University Politics Research Group in 1936 selected as an object of study under a plan of co-operative research "The Use of Advisory Bodies in relation to Central Government." This volume represents the results of its work. The field of inquiry covers the employment, in connection with the work of Government departments, of persons outside the two categories of persons who are directly responsible for the conduct of that work—ministers and Civil servants—and it is limited to their employment in an advisory capacity. That is to say, it does not include cases in which persons outside these two categories are invested with special missions which charge them with administrative responsibilities. (Of this the Commissioners for Special Areas furnish an example.) The year 1919 was chosen as the starting-point, and the outbreak of war in 1939 necessarily brought the full activities of the group to an end. It has thus come about that the period covered coincides exactly with an interval between two wars, and therefore represents something more than a term of twenty years picked at random for purposes of convenience. The scope and functions of government in peace and in war (as war has been conceived since 1914) are widely different. In time of war no subscription to totalitarian creeds is required for a recognition of the right and duty of the Central Government to undertake control and interference to an extent which is abhorrent to democracies in time of peace. The field of government activities is immensely increased; the sanctities of private life are invaded by the bureaucrat; the limits of individual liberty are defined and narrowly restricted. All this comes to be accepted without any change in the basis of fundamental political doctrine. Conservatives find themselves advocating extreme socialism, and protagonists of the left wing press for a firmer imposition of the iron hand of

Government. *A la guerre comme à la guerre!* Peace will bring the customary creeds back into their own.

But the extension of Government activities calls imperatively for alteration in technique if not in doctrine. The science—or is it an art?—of public administration is dependent, above all things, on experience and precedent. It is an intricate empiricism in which the true line of progress lies along the path of trial and error. No conscientious Civil servant reaches a decision, or proffers advice on which the decisions of ministers may be based, without a study of the "previous papers." When, however, Government has annexed new provinces or invaded new territory, there are no previous papers in its registers, no precedents to serve as guides (or warnings), no experience won by its functionaries in the past.

There must be guesses, experiments, perhaps even gambles; and from such things the Civil servant shrinks. The personnel of the service will no doubt have been largely expanded and there will have been a liberal recruitment from other branches of public or semi-public administration, from the professions, from private enterprise—perhaps from universities. This means a considerable accession of ideas and experience, but it does not serve to constitute an "approved practice" which an administrator can safely follow in tackling a problem as a medical practitioner would handle a disease. The recognition of this circumstance led, during the war of 1914–18, to the establishment by the "war departments," such as the Ministries of Munitions, Shipping, Blockade and Food, of consultative and advisory committees which brought the perhaps reluctant initiator of new Government interferences into close association with the persons who were at home in the enclosures which he proposed to invade, were fully acquainted with their history in the past, were likely to be affected by their control in the future, and were in a position to contribute co-operation which was vital, or obstruction which might prove fatal, to the application of the methods and expedients which he contemplated.

The papers contained in this volume deal with a subsequent period. But not all that is learned and practised in war-time is mischievous, or even useless, in time of peace; and if peace is

properly to be regarded as an interval between wars, it is as well that administrators should keep in practice. The post-war years were marked by a disposition to resort to "outside advice" much more readily and habitually than had been the pre-war custom. The new War has brought with it a fresh amplification of a technique which had not been abandoned or forgotten.

A study of that technique and an attempt to extract from such a study some lessons and general conclusions seem therefore not untimely. The Haldane Committee, which sat and issued its report during the War, advocated a wide extension of the use of advisory bodies in the task of government, and the course which it advocated has in fact been followed. Whether it has been attended by all the advantages which the Committee anticipated is open to doubt; and, in so far as experience has led to disappointment, it is worth while considering how far this has been due to extravagant expectations and how far to mistakes in the composition of committees, in the formulation of their tasks or in the treatment of their results. Mistakes which are recognized in the past may be avoidable in the future.

The functions of the different parts of the machine of Parliamentary democracy as it exists in England admit of a textbook formulation without much difficulty. It is for the constituencies to give expression to the general wishes of the electors as to lines of policy; for the Cabinet to formulate legislative proposals which give expression to those wishes and methods of administration which apply them; for Parliament to co-operate, to criticize, to find "ways and means," and in the last resort to condemn; for the Civil Service to carry out the decisions of Parliament with expert technical knowledge, without allowing private inclinations or ideals or prejudices to divert the intention of the electorate, to which Parliament must be presumed to have given accurate expression. The picture is logical and consistent and looks as if it ought to work.

To the English mind the final test of a thing is "how it works" and logic and consistency are negligible considerations. The King's Government must be carried on. The rules of the game must be followed; and if the strict rules of the game would admit of an infinite series of wides or lets, or an uninterrupted succession

of speeches, or an indefinite interruption of business by the want of a quorum, then means must be found to let the "spirit of the game" override the strict rules. Our textbook picture is a shade too logical and consistent for English taste. The will of the people is given expression by the electorate, interpretation by the legislature, and application by the administrative expert. But is the expert to be implicitly trusted? Is he sufficiently in touch with the real world and everyday life? English instinct is to distrust him. To the "man in the street" the expert is a "doctrinaire," a "pundit," and these are rather terms of depreciation, if not of abuse, than of definition. They describe the artificers and craftsmen of "red tape," into whom it is well to inject some further inoculation of popular sentiment; and a convenient method of making this provision is to associate them with advisers from outside the official ranks who will see that in their application of technique they do not allow the ultimate motive of their operations to disappear.

In this way the democratic sentiment may be brought into continuing operation, and not merely be used as a starting-point. "The public" may not only give expression to the original idea, but may also help to put it into application. There is some sacrifice of the exact distribution of functions which our textbook picture provided. But the risk that a fine flower from the expert nursery will perish, like the first effort of the Unemployment Assistance Board, in the rough weather of public criticism, is reduced to a minimum. Idealism has been tempered by Pragmatism. It would not be altogether fanciful to suggest that the future may see constitutional changes in which some of the experience gained in the working of advisory bodies would find expression.

It is a commonplace to say that the legislature is overworked. The delegation of its functions to Government departments and officials through the machinery of Orders in Council, Statutory Rules and Orders and Regulations is pilloried by the Lord Chief Justice and regarded with suspicion by the man in the street. Schemes of regional devolution have been propounded from time to time, but no happy birth has yet followed the pains of travail. A devolution which was planned on lines of subject-matter rather than of area, and which would leave the task of shaping legislation

on questions concerned with Public Health, Education, Transport, etc., to special bodies in which the representative element and the expert element were associated, while leaving Parliament to put the final seal on their labours, would seem to be worthy of consideration. The machinery under which legislative functions, subject to final Parliamentary endorsement, have been entrusted to the National Assembly of the Church of England appears to have worked with considerable efficiency and the minimum of friction, and must have saved much Parliamentary time.

* * * * *

Under the plan of arrangement which has been followed in this volume, each of the departments which has been considered has been made the subject of a study by a separate individual, and the study has included within its purview advisory bodies of all kinds which have been concerned with the work of the department. The field of inquiry has been limited to advisory bodies which include "outside" members; and consequently the wide use of the advisory committee system within the official hierarchy by such an organism as the Committee of Imperial Defence has been excluded. It has also been limited to bodies advising the central organs of government and takes no account of bodies whose advice is tendered to subordinate or local authorities, the inclusion of which would have made the field too wide for the method of treatment employed.

The first study, dealing with the Machinery of Government, is necessarily planned somewhat differently from the others. It deals with advice sought by, and tendered to, the Government as a whole and not with the needs or interests of any single department; and it includes an examination of the work of two Parliamentary Conferences which dealt with the problems of the Reform of the Second Chamber and Federal Devolution respectively.

These Conferences are properly included within the term "advisory bodies," but they differ essentially from the committees, departmental and interdepartmental, and Royal Commissions with which the other studies in this volume are concerned. A conference constructed upon a basis of party representation is to some extent analogous to a conference between belligerents. It aims at the

solution of problems which have given rise, or are likely to give rise, to political strife; and the success of any such solution is dependent primarily on its likelihood of acceptance by parties and individuals with divergent interests, creeds, and motives; it aims at discovering a practicable *modus vivendi*. Political considerations necessarily outweigh administrative theory in its deliberations. But such considerations cannot be set wholly aside by any advisory body concerned with practical problems which present themselves in a political community; and the Conferences, like the Royal Commissions and the committees which have primarily occupied our attention, represent the introduction of advisory assistance from outside the category of persons directly responsible for administrative tasks.

The division of the subject by consideration of the work of departments is not the only plan which might have been adopted, and it presents certain inconveniences. The Report of a Royal Commission is presented not to an individual minister with the work of whose department it is concerned, but to His Majesty's Government, and it often of necessity crosses over the boundaries of departmental responsibilities. Courts of Inquiry are, under statute, appointed by and report to the Minister of Labour; but when they deal, for example, with the Mining Industry, it is convenient to consider their work in relation to the "department of reference" rather than to the appointing department. An arrangement of the subject so as to deal in one section with Royal Commissions, in another with interdepartmental committees and in a third with departmental committees might have been schematically plausible. But it would have been wholly divorced from reality. The distinction between a Royal Commission and a committee is of some theoretical importance, but does not to-day amount in practice to very much more than a question of prestige.

A classification of committees according to their functions need not be quite so artificial, if no attempt is made at diagrammatic inflexibility. Three main types may be distinguished. (1) There are committees intended to operate continuously as a part of the machine of administration, giving advice from day to day, not only upon problems specially submitted, but upon general conduct. (2) There are committees entrusted with the definite task of

advising on the need for and the form of legislation, concerned that is to say with an alteration and not merely with the maintenance and adjustment of the *status quo*. (3) There are committees of research and inquiry which may perform a task which has a future of practical results, or may salve the conscience of a minister by entitling him to say that an embarrassing topic is receiving attention and forms the subject of inquiry.

The motives which incline a minister to seek advice from outside the ranks of the paid servants of the Government are not more recondite than those which inspire the proverbial maxim, "Look before you leap!" Some attempt at an analysis may nevertheless be made. The governing motive, as has been already indicated, is the anxiety to escape any suggestion of complicity with the "un-English" notion that Government officials constitute a caste of mandarins to whom is revealed enlightenment hidden from others. The legend of Bumbledom is a hardy plant growing in a congenial soil; and it is a precious shield against criticism for a minister to be able to show that the course which he proposes to pursue is not a mere contrivance of his officials but has received the benison of "outside" advisers. A Government department is not to be charged with excessive self-complacency if it is enough of a Pharisee to thank God that other men are no better than it is.

When a considered decision has been reached in favour of a policy which is obviously subject to criticism and likely to prove unpopular, a department often seeks protection and reinforcement by obtaining outside advice in favour of the course which it has already resolved to adopt. There is no great subtlety in this. It offers an opportunity for meeting and answering the criticism anticipated, weighing the alternatives which will be suggested and finding them wanting, and doing all this in a committee room sheltered from the boisterous weather of public controversy. The advice which will be given can, it is believed, be foreseen; but that is no reason for not asking for it. In many walks of life it is unwise to ask for advice without making the form in which the question is put indicate the reply which is desired. Even if it does not go so far as this, a department can and should make some provision against advice which it does *not* want by precisely stating and limiting the points under reference. A roving commission is

a roving nuisance. Royal Commissions have from time to time been appointed with terms of reference so far-reaching or so vague that precise conclusions with a practical value as a guide to action were hardly to be expected. (It might without temerity be suggested that the Royal Commission on the Location of Industry is such a one.)

Reference to a Royal Commission was once recognized as the standard method of postponing to an indefinite future decisions on questions which appeared to be embarrassing but not urgent. The topics selected for this treatment have varied from time to time. Women's Suffrage, the Decimal System, Revision of the Prayer Book, Reform of the Calendar, Capital Punishment, Proportional Representation may have been among them. Reports have been produced in which the research student may find occasional nuggets, but the statesman few incentives to practical action; though there are surprises from time to time like the long-delayed blossoming of the Minority Report of the Poor Law Commission into an Act of Parliament under the fostering hand of the late Prime Minister. The appointment by Government of advisory bodies, wholly or partly composed of "outside" members, with an extensive rather than an intensive responsibility, is advocated to-day in some quarters; and to strengthen the advocacy, such bodies are often dignified by the supposed assimilation of their functions to what are presumed to be those of a General Staff. Modern practice lends little support to this school. The nearest approach to what is advocated is to be found in sundry standing advisory committees, and these have in actual practice retained their vitality only if and when quite specific matters are referred to them for consideration. A comparison of the experience of the Board of Education with that of the Ministry of Health, the Ministry of Agriculture and Fisheries, and the Mines Department, and of the history of the Economic Advisory Council with that of the Medical Research Council will serve to illustrate the truth of this; and some account of all these bodies will be found in the special studies which follow.

It is not easy to distinguish any special class or type of subjects as particularly appropriate for reference to an advisory committee. Often, as has been indicated, the real motive for such reference is

the desire to obtain the endorsement of a policy which has already been determined but has not been sufficiently advertised. The committee may then almost be regarded as an organ of propaganda. It is not often the case that the department has an entirely open mind on the subject referred for advice. It may have already come to a conclusion; or it may have formed a strong preference but still be open to conviction. It is more likely to seek advice *how* something should be done or *when* it should be done than *whether* it should be done; because these questions call for categoric and not discursive answers. In this volume only a small part of the field of Government activities is covered. The omission of the Home Office is a result of the outbreak of war, the urgent and harassing responsibilities with which that department is now burdened having made adequate study of its recent practice and experience impossible; and the Department of Scientific and Industrial Research, the whole of whose framework is built up on a system of advisory bodies, is not made the subject of a separate study. But the papers which follow nevertheless afford some indication how very far the field stretches. What has been attempted is a selective examination of a large number of actual examples. The sum total from which these examples are selected hardly admits of a narrower definition than *Quidquid agunt homines.*

On the question of the proper selection of members to form advisory bodies it is more possible to offer tentative suggestions. From whom ought a department of government to seek advice?

(1) Firstly, from those who are qualified by knowledge and experience to give it. That is to say, an advisory body should include experts in the subject-matter to be investigated, and experts in theory as well as in practice.

(2) A purely disinterested inquiry by experts has its value. But in dealing with real problems of "practical politics" it is impossible to preserve an attitude of disinterestedness. The interested parties can to a large extent make a scheme work or prevent it from working; and for this reason it is generally wise to include some of them in the team of advisers. Let them, in giving advice, become familiarized with the idea of Government control or Government interference in a field where it may very likely prove

unpopular; and let them, if possible, be induced to familiarize those whose interests they represent with the idea.

(3) In a country where the party system exists its existence cannot be ignored; and it is generally wise to include in an advisory body persons who are qualified not so much by knowledge or experience, or by "interestedness" in the narrow sense, as by the fact that they "stand for" or "speak for" sections of the community which are politically important.

We are not concerned in these studies with advisory committees made up wholly of Government officials. In such committees the qualities of the expert—knowledge and experience—are alone required. In committees with an outside membership the other qualifications indicated are at least equally important. In a committee which takes formal evidence it may be possible to leave the witnesses to supply the elements of "interest" and "party." But inclusion of these elements in the membership will probably be found wise.

There is something to be said for a distinction between full members and "assessors" who hold, so to speak, a "watching brief." This expedient was adopted in the cases of the Sankey and Samuel Commissions on the Coal Industry—which are dealt with in the paper on the Department of Mines—when officials were in each case added in the capacity of assessors. The former commission included representatives of the "interests," capital and labour. The latter consisted entirely of members selected on grounds of independence and impartiality.

PART II

THE USE OF ADVISORY BODIES IN THE REFORM OF THE MACHINERY OF GOVERNMENT

by N. MANSERGH

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I. A GENERAL SURVEY OF THE PROBLEMS UNDER CONSIDERATION[1]

One of the most striking developments in British constitutional practice since 1919 has been the growing use of advisory bodies to assist the Central Government in the performance of its duties. For the most part these advisory bodies, which vary considerably in constitution and in function, are appointed by and work in conjunction with an individual department of State. It is the purpose of this study to analyse the use that has been made of advisory bodies in one specialized field—a field that is essentially not departmental but constitutional in character, and that has consequently remained comparatively unaffected by post-war developments.

In this book the term "advisory body" is used in its widest

[1] I would like to take this opportunity of expressing my gratitude to the Leverhulme Trustees, for a grant which enabled me to carry out this piece of research. I am also much indebted to Mr. R. C. K. Ensor for most helpful comments and criticisms on my contribution to this study.—*N. Mansergh.*

sense, and is intended to describe any body appointed with the purpose of advising the Central Government. In the particular field under consideration it refers to Royal Commissions, Departmental Committees, and Conferences of the two Houses of Parliament alike. The phrase "Reform of the Machinery of Government" is perhaps somewhat misleading as a title, because of its inevitable association with the Haldane Report. But there appeared no satisfactory alternative, since the phrase "constitutional reform" is open to more substantial objections where there is no written constitution. The scope of this inquiry is, however, reasonably well defined. It is concerned to present a critical analysis of the value of the advisory bodies which have been appointed in recent years to consider the reform of any of the organs of the Central Government or any changes in the constitutional relationship between them.

The subjects which the Government from time to time has seen fit to refer to such advisory bodies indicate clearly that their potential significance is always, and their actual significance is frequently, very considerable. In the last thirty years advisory bodies have investigated the desirability of a reform of the electoral system, of a redistribution of the functions of government; one has been appointed to devise the most practical means of giving effect to a grant of federal devolution, another to design a constitution for a reformed Second Chamber; a third has examined the extent and significance of the recent growth of ministers' powers. Since matters of such fundamental constitutional importance are referred to advisory bodies a critical analysis of their work should not be without interest.

There are many questions to be asked relating to the composition and work of these advisory bodies. Who are the persons (for example) normally appointed to serve on such committees? Is the personnel predominantly "expert" or "representative" in character? What type of evidence is submitted? To what extent are "interests" heard? Are the conclusions based solely on the evidence submitted? What is the value of such Reports? What is their effect on parliamentary and public opinion? Are the advisory bodies appointed to investigate a problem, or to draft conclusions suitable for statutory enactment? With what success do they

accomplish the task allotted to them? An answer to these and other questions could scarcely fail to throw some revealing side-lights on the working of a somewhat obscure piece of constitutional machinery.

To-day commissions and committees on various subjects are appointed in rapid succession, but their reports have frequently no apparent consequence. As a result the public entertains the suspicion that such bodies are sometimes appointed for the purpose of obtaining not advice, but an excuse for delay or for the shelving of an inconvenient proposal.[1] Few to-day would endorse the tribute paid by Lord Beaconsfield when he said:

"I do not think there is anyone who more values the labours of Parliamentary Committees than myself. They obtain for the country an extraordinary mass of valuable information, which probably would not otherwise be at hand or available, and formed as they necessarily are . . . of chosen men their reports are pregnant with prudent and sagacious suggestions for the improvement of the administration of affairs."[2]

The aim of this study is to indicate the precise character of the contribution of advisory bodies in a selected and not unimportant field, and thereby to furnish some part of the evidence on which to base a comprehensive verdict of their use in modern English government.

In the analysis which follows, of the work and value of the five selected advisory bodies appointed in the last thirty years, there is included some account of the circumstances which led to the appointment of each committee and a brief summary of the central problems discussed in the respective reports. The latter is inserted with a view to giving where occasion arises some explanation of the issues upon which the opinion of members was divided, and, more important, with the object of providing an account both of the principal questions to be decided and of the process of reasoning which led to the adoption of the accepted conclusions. This summary, which is in fact an outline of recent proposals for constitutional reform in the United Kingdom, is not critical in character since the form, and not the substance, of such Reports is the primary concern of this study.

[1] Sir Arthur Salter, *Framework of an Ordered Society*, 1933, pp. 49–51.
[2] *Hansard*, vol. 235, pp. 214–18.

II. THE ROYAL COMMISSION ON ELECTORAL SYSTEMS

The Royal Commission on Electoral Systems was appointed in December 1908. It was appointed to examine "the various schemes which have been adopted or proposed in order to secure a fully representative character for popularly elected legislative bodies, and to consider whether and how far they, or any of them, are capable of application in this country with regard to the existing electorate." The Report[1] of the Commission was published early in 1910.

ITS ANTECEDENTS

Since 1859, the year in which Thomas Hare, a notable champion of electoral reform, published his treatise on "the Election of Representatives," opinion in the British Isles had become increasingly aware of the importance of electoral machinery in the political system. It was not so much that Thomas Hare succeeded in convincing an ever-increasing proportion of the electorate of the need for mathematical precision in the counting of votes for Parliamentary elections, as that the statement of the case for Proportional Representation which he expounded with so much enthusiasm necessarily focused attention on defects in the existing system of election.

The case for Proportional Representation secured the attention of a wider audience than would otherwise have been possible through the advocacy of John Stuart Mill. Senator Count Goblet d'Alviella, in his evidence before the Royal Commission in 1909, stated that the demand for Proportional Representation in Belgium, and its ultimate adoption in that country, was directly inspired by the writings of Mill.[2] In his book on Representative Government, Mill had proclaimed himself an unqualified supporter of this electoral reform. His words, as was rightly their due, so influenced the opinion of his time that they deserve to be recalled. He wrote:

"Democracy as commonly conceived and hitherto practised is the government of the whole people by a majority of the people

[1] Cd. 5163.

[2] *Minutes of Evidence*, p. 52.

exclusively represented. The former is synonymous with the equality of all citizens; the latter, strangely confounded with it, is a government of privilege in favour of the numerical majority, who alone possess practically any voice in the State. This is the inevitable consequence of the manner in which the votes are now taken to the complete disfranchisement of minorities."

His verdict on Hare's proposals was decided.[1]

"The natural tendency of representative government, as of modern civilization, is towards collective mediocrity: and this tendency is increased by all reductions and extensions of the franchise, their effect being to place the principal power in the hands of classes more and more below the highest level of instruction in the community. But though superior intellects and characters will necessarily be outnumbered, it makes a great deal of difference whether or not they are heard. I am unable to conceive of any mode (of election) by which the presence of such minds can be so positively insured as by that proposed by Mr. Hare."[2]

In the period that elapsed between the publication of *Representative Government* in 1861 and the appointment of the Royal Commission on Electoral Systems in 1908 the cause of Proportional Representation made more notable progress in countries other than Great Britain. There were many reasons for this, of which only two need be recalled here. In the first place the two-party system had become a tradition of English Parliamentary life; and even though at the close of the century its harmonious existence was disturbed by the ever more active intrusions of the Nationalist Party, it was clear that a reform of the electoral system itself could do nothing to remove this source of friction. In the second place electoral reform would necessarily be accompanied by redistribution of seats on a population basis as a preliminary to the creation of the larger constituencies required for Proportional Representation. Such a redistribution would involve a reduction in the number of Irish members. Neither party was willing to sponsor such a measure. It need scarcely be added that

[1] It should be remembered that Hare advocated election by one national constituency.

[2] J. S. Mill, *Representative Government*, 1863, ch. vii.

these particular reasons were powerfully reinforced by the apathy of the electorate and the normal aversion to change.

In the early years of this century Proportional Representation received more careful consideration. Recent elections had emphasized the inaccurate representation of voting strength that was liable to occur under the simple majority system, divisions within the older parties as well as the rise of the Labour Party threatened the survival of a two-party system, which indeed had never been so crystallized as its admirers would have us to believe. As *The Times* remarked,[1] "the main objection to the system (Proportional Representation) has been that, inasmuch as parties are very evenly divided in this country, no stable government would be possible with the limited majority which is all that Proportional Representation would be likely to secure. The violence of the swing of the pendulum moderates, and the growth of third and fourth parties have greatly diminished, the weight of this objection." In addition, evidence from countries that had adopted an alternative electoral system was available and was of a character that deserved to be collected and to receive the most serious examination from a responsible authority.

THE APPOINTMENT OF THE ROYAL COMMISSION

In November 1908 a deputation was received by Mr. Asquith in the House. The deputation, which was representative of all parties and included many distinguished men like Sir William Anson, Lord Hugh Cecil, Mr. Arthur Henderson, then Chairman of the Parliamentary Labour Party, Mr. John Simon, Mr. C. P. Scott, was introduced by Lord Courtney who urged the appointment of a committee to inquire into the whole question of electoral reform. The deputation, though composed for the most part of persons favourable to Proportional Representation, desired not an immediate measure for the reform of the electoral system but an examination by an authoritative and impartial body of all the issues involved. The Prime Minister acceded to the request of the deputation.

[1] November 8, 1908.

It is instructive to recall that both Lord Courtney and the Prime Minister were very uncertain as to the most suitable type of committee to advise on this question. Lord Courtney considered a Royal Commission the most authoritative, but "it occupies some time, and however perfect the results may be, there is a considerable period before the result is known." He suggested alternatively a Departmental Committee or a Select Committee of the House of Commons. The Prime Minister was equally doubtful as to what form such an instrument of inquiry should assume. He remarked: "Royal Commissions—with all respect be it said—are not a very satisfactory instrument for this sort of purpose. Many people have got the notion that a Royal Commission is not properly constituted unless it contains among its members a representation of all the different views that can be entertained at the outset as to the subject-matter about which it is appointed to inquire. The result is that these bodies are usually too numerous in their composition and some take an inordinate time. It remains therefore to be considered whether we can devise some simpler and more expeditious, as well as equally authoritative, organ of investigation. . . ."[1]

THE PERSONNEL OF THE COMMISSION

In the event the Prime Minister advised the appointment of a Royal Commission designed so as to eliminate these particular objections. The Royal Commission was small in number, its full membership being eight. More significant still, it was composed entirely of men credited with open minds on the subject under discussion. There was no member of the Proportional Representation Society, even though Lord Courtney or Sir William Anson might be described as well equipped to serve on such a body. Likewise there was no member noted as a defender of the simple majority system. A contemporary publication of the Proportional Representation Society stated, "So far as we know no member of the Commission either publicly or privately has ever made any declaration of his views on the question of the reform of representation."[2] This principle of "neutrality" in composition had

[1] *Vide verbatim* account in *Representation*, vol. i. [2] *Ibid.*, vol. ii, p. 10.

important, and not wholly desirable, consequences in the drafting of the Report.

The personnel of the Commission, whilst occasioning some surprise, met with general approval. The Chairman, Lord Frederick Cavendish, had been Unionist member for a Lancashire constituency from 1895 till his defeat in 1906; of the other members Lord Lochee was a Privy Councillor and at one time Parliamentary Secretary to the Admiralty in Mr. Asquith's Government; the Hon. E. S. Montagu was the Liberal M.P. for the Chesterton Division of Cambridgeshire and private secretary to the Prime Minister; Sir Francis Hopwood was Permanent Under Secretary at the Colonial Office; Sir Courtenay Ilbert was Clerk of the House of Commons; Sir Charles Eliot, former Governor of East Africa, was then Principal of Sheffield University; the Hon. W. P. Reeves, formerly High Commissioner for New Zealand, was then head of the London School of Economics; Mr. J. W. Hills was the Unionist member for Durham. Thus the Unionist and Liberal Parties had each two representatives but neither the Nationalist nor the Labour Party had any. Moreover the Commission had a strong representation of men with overseas experience.

THE TERMS OF REFERENCE

The Commission's terms of Reference[1] admit of a wider and a narrower interpretation. On the one hand it might be argued that the representative character of a legislative body would be influenced by any proposals affecting its composition. On the other hand, the various methods of actual election, considered as a means of giving effect to the wishes of the electorate, form in themselves a definite, if restricted, field of investigation. The Commission decided to confine themselves to the latter interpretation. The Report, consequently, deals only with systems of election and the inquiry is devoted to an examination of the three elements of any such system, namely the method of recording a vote, the method of determining the successful candidate, and the number of members returned by each constituency.

In Parliament and in the Press the purpose of the Commission

[1] Quoted on p. 35

was interpreted quite simply as an examination of the practical value of that system of Proportional Representation known as the Single Transferable Vote. The *Manchester Guardian*, then a leading supporter of the proposal, said: "The recently revived prominence of the proposal for Proportional Representation is recognized in the appointment of a Royal Commission. The proposal is, as a matter of fact, exceptional, in that it has been inquired into and thought out much more than it has been popularized. It has some difficulty in finding opponents among people, whatever their party, who have examined the arguments in its favour. But it needs a great deal of publicity and influential commendation to interest the listless part of the Electorate."[1]

THE REPORT

The Commission was appointed in December 1908. Its Report was published in the spring of 1910. The Prime Minister was therefore not wholly justified in thinking that Royal Commissions tend to take "an inordinate time" for their inquiry.

The Commission was granted full powers to call witnesses and to have access to documents. In all twenty-nine witnesses were called and examined. Lord Courtney, Lord Balfour of Burleigh, Mr. J. H. Humphreys and Mr. J. Fischer Williams, all officers of the Proportional Representation Society, gave evidence in favour of reform on the line of the Single Transferable Vote. Other witnesses included Mr. J. M. Robertson, Sir Charles Dilke, Sir William Anson, Lord Hugh Cecil, Count Goblet d'Alviella of the Belgian Senate, M. Pierre Flandin of the French Senate, Mr. J. McCall, Agent-General for Tasmania, where Proportional Representation was in operation. The examination of witnesses which began on April 1st was concluded on July 22, 1909. Altogether nineteen sessions were devoted to the examination of these witnesses. The attendance of members of the Commission on the whole was good and never fell as low as the quorum of three.

The Report is a document of considerable length occupying thirty-eight pages. It is supplemented by five appendices which

[1] December 22, 1908.

give details of various electoral systems as used in other countries. The minutes of evidence fill over two hundred pages.[1]

THE VERDICT OF THE COMMISSION

The conclusions reached by the members of the Commission, though indecisive in character, were on the whole unfavourable to Proportional Representation. The Commission recommended: "the adoption of the Alternative Vote in cases where more than two candidates stand for one seat. We do not recommend its application to two-member constituencies, but we submit that the question of the retention of such constituencies, which are anomalous, should be reconsidered as soon as opportunity offers. Of schemes for producing proportional representation, we think that the transferable vote would have the best chance of ultimate acceptance, but we are unable to recommend its adoption in existing circumstances for elections to the House of Commons."

From this verdict Lord Lochee alone dissented and signed a minority report in favour of the Single Transferable Vote.

SLIGHT VALUE OF THE ORAL EVIDENCE

A comment may be added with regard to the effect of the constitution of the Commission upon its work. The Prime Minister, it will be remembered, referred to the advantages of a "neutral" committee of inquiry. In fact, the admitted "neutrality" of all the members of the Commission had disadvantages which more than counterbalanced its advantages. During the cross-examination of witnesses, to take a notable instance of the disadvantages involved, there was at times a regrettable lack of expert knowledge on the part of members of the Commission. This was, as one might expect, more noticeable when the details of some Proportional Representation systems were under discussion. Many of the members of the Commission had had practical experience of the working of the simple majority system, but their knowledge of Proportional Representation was, with one possible exception,[2] purely theoretical. Moreover, it was clear at the date of appoint-

[1] Published separately, Cd. 5352.

[2] Mr. Reeves.

ment, that the British political members of the Commission were[1] selected because they had at no time expressed any interest in electoral systems at all.

It would be mistaken to attribute the unsatisfactory quality of the oral evidence wholly to the lack of "expert" members serving on the Commission, but there is no doubt that the absence of such members did materially diminish its potential value. Some of the questions asked of witnesses were of a most elementary character; a great many invited some vague generalization in reply. Only in rare instances was an attempt made to elucidate certain particular facts and opinions from a witness competent to furnish them. For the rest the two-hundred-page Report of random questions and answers does little indeed to justify either the time or the money spent in collecting such evidence.[2]

THE INDECISIVE CHARACTER OF THE REPORT

Apart from the occasional inadequacy of the cross-examination the Report suffers from a failure to pronounce a verdict on certain disputed but very important issues. Here is an extract which illustrates this lack of decision:

"A survey of these arguments shows that . . . an evaluation of them by such a body as a Commission is out of the question. The case for change consists partly of a theory of representation which is entirely rejected in many quarters and partly of assertions about the effect of the present system, which *we are not in a position either to affirm or deny*. . . . But certain points of a general nature emerge. The first of these is that it *is impossible to form a reliable estimate* of what the results of the Single Transferable Vote would be. It is asserted by some that small parties would spring up like mushrooms; by others that the two-party system would survive any change of mechanism whatever. The advocates of the Transferable Vote claim that under it all parties would be represented in proportion to their strength; its opponents that as a matter of fact, minorities would have little more chance than at present.

[1] That is half the total membership. By political is meant members who had taken part in active politics but excluding Civil servants, etc.

[2] Cf. comments by S. and B. Webb in *Methods of Social Study*, 1932, ch. vii.

That 'independent members' would be returned to any extent . . . is affirmed and denied. . . . The only point which is agreed upon is that the general level of Government majorities would be greatly reduced. *Outside this almost any result might plausibly be foretold.*"[1]

Surely, however, it is the business of such a Commission of inquiry, having heard the evidence, to advance some conclusion on these controversial and very important points instead of contenting itself with the statement that "any result might plausibly be foretold."

Inconclusive statements of lesser importance are to be found throughout the Report. As for example:

"It is said that there are three hundred systems of proportional representation now in existence, a fact which, if true, would not be surprising as the invention of such systems is a task which has occupied mathematicians and constitution makers in several countries for many years past."[2]

A member of the Commission with some knowledge of Proportional Representation would certainly have pointed to the palpable absurdity of such a remark and have invited an enumeration of the three hundred systems!

The general conclusion to be drawn from these particular criticisms is that a "neutral" membership in a committee of inquiry is not an unqualified advantage.

PARLIAMENT AND THE REPORT

The recommendations of the Commission were not of sufficient interest to occasion a debate in the House subsequent to their publication. A debate on a notice in favour of electoral reform raised by a private member did, however, take place before the sittings of the Commission had concluded.[3] Only two points of interest emerged: Mr. John Burns declared that the Government would allow a free vote on a measure for Proportional Representation, while Sir William Anson declared that no measure for Proportional Representation could be enacted in the immediate

[1] Report, p. 31. The italics are mine.
[2] Report, p. 13.
[3] *H. of C. Debates*, vol. xv, cols. 1387–1430.

future. He argued convincingly that such a reform could be carried only as a government measure: a government with a large majority would not introduce such a measure because the "inevitable result would be that the majority would be diminished, if not extinguished, at the next election." A government with a small majority could not do it either because Proportional Representation involved redistribution; redistribution involved a considerable reduction in Irish representation, and such a government "could not be independent of a solid Nationalist Vote averse to any reduction."[1] It is doubtful, therefore, even had the Commission returned a verdict favourable to immediate reform, whether the Government would have acted on its recommendations.

The Commission, it will be remembered, did recommend the adoption of the Alternative Vote in cases where more than two candidates stand for one seat and suggested that the reform should be accompanied by the abolition of the remaining two-member constituencies. The former recommendation has been adopted only in the case of the University constituencies, while a few of the two-member constituencies still survive.

The Representation of the People Act[2]—which decreed that "at a contested election for a University constituency, where there are two or more members to be elected, the election shall be according to the principles of Proportional Representation, each elector having one transferable vote"—did not enact the recommendations of the Royal Commission in a wider field. At the same time it gave some, and as it has proved quite unfounded, encouragement to the supporters of Proportional Representation in enacting that "His Majesty may appoint commissioners to prepare . . . a scheme under which as nearly as possible one hundred members shall be elected to the House of Commons at a general election on the principle of proportional representation."[3] The new constituencies, which were to be formed by the amalgamation of single-member constituencies at the discretion of the commissioners and without further legislation, were to return "not less than three nor more than seven members." In fact no government has seriously contemplated the exercise of this permissive

[1] *H. of C. Debates*, vol. xv, col. 1411.
[2] 7 & 8 Geo. V., ch. 64, 1918.
[3] *Ibid.*, S. 20.

authority, though it would furnish probably decisive evidence as to the practicability and the comparative accuracy of Proportional Representation.

THE VALUE OF THE REPORT

Despite certain defects in the document itself, and despite the fact that its recommendations did not receive a legislative sanction, the Report on Electoral Systems exercised, and in some degree still exercises, a very considerable influence. It disposed once for all of the principle of second ballot, and it crystallized the opinion that the Single Transferable Vote was the only form of Proportional Representation suitable for adoption in the United Kingdom. The Commission was appointed before approval or disapproval of electoral reform had become a criterion of political allegiance. Unlike the Conference[1] appointed some years later, the work of the Commission was not vitiated by divisions on party lines. As a result its report has the merit of presenting the case for and against electoral reform with impartiality. The mass of evidence accumulated has added considerably to our knowledge of various electoral systems, and the continued relevance of that information in post-war years is indicated by the reprint of the Report in 1928. So in the last analysis it may be concluded that the work done by the Commission has proved of theoretical rather than of practical value and that its contribution has been instructive rather than constructive in character.

III. THE MACHINERY OF GOVERNMENT COMMITTEE

The Machinery of Government Committee was appointed as a sub-committee of the Reconstruction Committee in July 1917. Its appointment was confirmed on the establishment of the Ministry of Reconstruction, which followed almost immediately. The status of this advisory body was in all important respects similar to that of a normal departmental committee of inquiry. The Committee's terms of reference were "to inquire into the responsibilities of the

[1] *Redistribution of Seats Conference, 1917–18*, Cd. 919.

various departments of the central executive government, and to advise in what manner the exercise and distribution by the Government of its functions should be improved." The Report[1] was published in 1918.

ITS ANTECEDENTS

As the functions of government expand so the difficulty of securing co-ordination of activity increases.[2] During the War of 1914–18, the expansion of governmental business was accelerated so rapidly as to focus attention on the problems involved. A temporary solution was found in the formation of the War Cabinet of five. The ministers who were appointed to it were deliberately chosen because for the most part they were without portfolio;[3] they were freed therefore from general administrative work and were able to devote the greater part of their time to the prosecution of a single task. It was for this reason that the Secretaries of State for Foreign Affairs, War, India and the First Lord of the Admiralty were not made permanent members of the War Cabinet, though they were always present at a discussion in which their department was concerned. As a consequence the War Cabinet was able to meet very frequently. In June 1918 Lord Curzon said: "This Government has been in existence eighteen months. During that time there have been 525 meetings of the War Cabinet. In addition there have been thirty conferences with our allies at which the War Cabinet, or the greater part of the War Cabinet, have been present. Thus there have been 555 meetings in 474 working days excluding Sundays. This is exclusive of meetings of the Committees of the Cabinet . . ."[3]

While the War Cabinet as such made no difference to the relation between the Cabinet and the parties, it did provide a means for securing more, and above all, quicker decisions on matters relating to the prosecution of the War. This was done (*a*) by reducing the membership of the Cabinet, and (*b*) by divorcing its members from departmental responsibilities. The Report of the War Cabinet for 1917 says:[4]

[1] Cd. 9230.
[2] Cf. W. Ivor Jennings, *Cabinet Government*, 1936, ch. 6.
[3] *H. of L. Debates*, vol. 30, col. 267.
[4] Cd. 9005.

"The most important constitutional development in the United Kingdom during the last year has been the introduction of the War Cabinet system. This change was the direct outcome of the War itself. As the magnitude of the War increased, it became evident that the Cabinet system of peace days was inadequate to cope with the novel conditions. The enlarged scope of Government activity and the consequent creation of several new departments made a Cabinet meeting under the Chairmanship of the Prime Minister far too unwieldy for the practical conduct of the War. It was extremely difficult for so large a body to give that resolute central direction which became more imperative the more the population and resources of the nation had to be organized for a single purpose—the defeat of German militarism."

The War Cabinet solved the immediate problem of adjusting an executive which depended in peace time on party support in the House of Commons to the unity demanded by war. But as it was clear that its constitution would be an anomaly after the War so its existence brought under consideration all-important questions affecting both the proper distribution of the functions of government and the relation between the various departments and the Cabinet. The Haldane Committee was appointed to resolve these difficulties.

THE PERSONNEL OF THE COMMITTEE

The members of the Committee were seven in number, and for the most part persons of outstanding distinction. The Chairman was Lord Haldane, who had been Secretary of State for War 1905–12 and Lord Chancellor 1912–15; the other members were the Right Hon. E. S. Montagu, a Liberal M.P. who had been Minister of Munitions and member of the War Committee in 1916, and was then Secretary of State for India; Sir Robert Morant, Permanent Secretary to the Board of Education in the decisive period 1903–11; the Right Hon. Sir George Murray, a former Permanent Secretary to the Treasury; Sir Alan Sykes, a Unionist M.P.; the Right Hon. J. H. Thomas, M.P. for Derby and General Secretary of the National Union of Railwaymen (1918–24); and Mrs. Sidney Webb, of whom it need only be said

that she had already acquired invaluable experience of Government inquiries, particularly in the Poor Law Commission of 1905–9. The personnel of the Committee was not only representative but also "expert." There were four members with Parliamentary experience, there were two very distinguished Civil servants; there were two members of Cabinet rank, with Mrs. Webb to represent the more academic approach to the problems under review. This gives to the Report, particularly to its more detailed suggestions for the reorganization of departmental administration, an authority rare even among official reports. The hand of Sir Robert Morant, for example, can be detected in recommendations concerning the future of the Board of Education;[1] whilst Lord Haldane has expressly stated that the section dealing with the proposed Ministry of Justice "was written with my own hand."[2]

LORD HALDANE AND THE REPORT

Most of the work of the Committee was carried out by Lord Haldane, Sir R. Morant, Mrs. Webb and Sir George Murray.[3] Mr. Montagu was absent in India during the greater part of the period covered by the Committee's sittings, while Sir Alan Sykes was not appointed a member till late in 1917. But it deserves to be recorded that this Committee was created at the instigation of Lord Haldane, that he presided over its sittings, that he planned the Report, and indeed did the major part of the drafting himself.

Since it is rare for an advisory body of this kind to owe so much to the inspiration and labours of one man, no matter how distinguished, it is well to record the motives which prompted Lord Haldane. The most important was his experience of the pre-war Liberal Cabinets. He recalled in his autobiography that[4]

"The Cabinet was organized on an old system which I hope will never be restored. The Prime Minister knew too little of the details which had to be got through to be able to apportion the time required for discussion. Consequently, instead of ruling the Cabinet and regulating the length of the conversations, he left

[1] Cf. B M. Allen, *Life of Sir R. Morant*, 1934.
[2] *Autobiography*, 1929, p. 253.
[3] *Ibid.*, p. 323
[4] *Ibid.*, pp. 216–17.

things much to themselves. We had no Secretary, no agenda, and no minutes in those days. The evils prevailed that we describe in the Machinery of Government Report, over which it fell to me to preside. . . . Indeed, I got the government of that day to appoint this Committee because I was keenly conscious of the necessity of bringing these and other evils to light. . . . The Cabinet of 1906 in the years which immediately followed was like a meeting of delegates. It consisted of a too large body of members, of whom two or three had the gift of engrossing its attention for their own business. The result of this and the want of system which it produced was that business was not always properly discussed, and the general points of view which required clear definition almost never. Churchill was as long-winded as he was persistent . . . we lived as a government too much from hand to mouth . . . there ought to have been much more systematic consultation."

Another evil which influenced Lord Haldane considerably was the division of judicial functions between the Lord Chancellor's office and the Home Office. In a letter to Mr. Ramsay MacDonald in 1924 Lord Haldane wrote that a reform of justice on the lines described in the Machinery of Government Report is urgently required. "The Report which I as Chairman drew myself . . . was the outcome of long study and strong conviction."[1]

These extracts are sufficient to indicate how fitly this advisory body is known as the Haldane Committee.

SIGNIFICANCE OF THE REPORT

The Haldane Report is the most important constitutional document of recent years. Its significance is to be attributed, not so much to the value of its detailed recommendations, as to its recognition of the need for guiding principles in administration. As has been justly observed,[2] it made the most thorough examination since Bentham of the problem of the proper distribution of the functions of the executive. The emphasis it placed on the need for a determining principle in the allocation of these functions was

[1] *Autobiography*, pp. 322–23.
[2] K. B. Smellie, *A Hundred Years of English Government*, 1937, pp. 380–82.

a timely reminder that if efficiency in administration is to be safeguarded, administrative principles must be enforced regardless of these ephemeral exigencies of politics.

RECOMMENDATIONS

The Report, a document of some eighty pages, is divided into two parts. In the first part the Committee defines the general principles that should govern the distribution of functions among the departments of State, while in the second the application of these principles is illustrated in detail.

The recommendations of the Haldane Committee are of sufficient importance to warrant quotation:[1]

"If the principle which we have suggested, that the business of the various departments of Government should be distributed as far as possible according to the class of service with which they are concerned, be accepted, the business of Government would fall into one or other of the following main divisions:—

I. Finance.
II & III. National Defence and External Affairs.
IV. Research and Information.
V. Production (including Agriculture, Forestry, and Fisheries), Transport and Commerce.
VI. Employment.
VII. Supplies.
VIII. Education.
IX. Health.
X. Justice.

It does not necessarily follow that there would be only one Minister for each of these branches. Some of them would undoubtedly require more than one.

We may summarize briefly the main principles to which we have drawn attention as follows:

(*a*) Further provision is needed in the sphere of civil government for the continuous acquisition of knowledge and the prosecution of research, in order to furnish a proper basis for policy.

(*b*) The distribution of business between administrative departments should be governed by the nature of the service which is assigned to

[1] The detailed allocation of functions between departments is to be found in Part II of the Report.

each department. But close regard should be paid to the necessity for co-operation between departments in dealing with business of common interest.

(*c*) In the organization of individual departments special importance should be attached to securing proper consideration of proposals for expenditure, unimpaired Ministerial responsibility, co-operation with advisory bodies in matters which bring departments into contact with the public, and the extended employment of qualified women.

(*d*) A more efficient public service may expose the State to the evils of bureaucracy unless the reality of Parliamentary control is so enforced as to keep pace with any improvement in departmental methods.

In making these suggestions we are aware that an efficient departmental system working in satisfactory relations with Parliament cannot be established, or maintained, on lines laid down in advance by any Committee of inquiry. Whatever validity may attach in the abstract to the principles which we have ventured to suggest, their practical efficacy will depend upon the zeal and discretion with which they are applied from day to day by Parliament, by Ministers, and by the officers of departments, the living forces whose spirit is essential to any form of government that is more than a machine."

THE CONSEQUENCES OF THE REPORT

The recommendations of the Haldane Committee have been followed in the creation of a Ministry of Health, in certain alterations effected in the organization of the Treasury and its method of co-operating with other departments, and in a notable advance in the provision made for investigation and thought as a preliminary to action.[1] But the adoption of these recommendations has been rather haphazard in character, and broadly speaking, serves as a reminder that the claims of technical efficiency are less often regarded than those of political expediency. A drastic reorganization of Government on the general principle that the work of departments should be distributed according to the character of the service to be performed has not materialized. A Ministry of Production, a Ministry of Employment, a Ministry of Justice have yet to be established. But the recent co-ordination of the Service Departments does imply a recognition, if not a satisfaction, of the demand for a Ministry of Defence. On the other hand, it should be noted that the general principle recom-

[1] K. B. Smellie, *op. cit.*, p. 383.

mended for the allocation of functions has not passed unchallenged, on the grounds of convenience and economy.[1]

The consequences of two of the more general recommendations of the Haldane Committee should also be recalled. The Committee was notably impressed with the need for an expansion in the use made of research as a preliminary to action. After a survey of the existing machinery, the Report maintains[2] that research must be carried out in relation to particular needs. In other words the Departments of State must provide themselves individually with distinctive organization for the prosecution of specific forms of research. But at the same time, the Committee recommended that a general research organization be established in order to assist the department in inquiries of a wider character and to encourage the development of intelligence and research work for general use. The conduct of an inquiry under the supervision of an organization should be modelled on the precedent of the Department of Scientific and Industrial Research. Indeed the Committee was impressed with the advantages of having the Lord President of the Council as a Minister responsible for research so long as the office was not burdened with excessive Parliamentary duties. When the Report was drafted the Lord President presided over only one advisory Council, but if the recommendation to establish such Councils for a substantial number of distinct branches of research were adopted, the increase in his duties would become incompatible with such Parliamentary duties as are normally devolved upon the holder of that office. This is clearly true; and one recalls how Lord Balfour on his appointment as Lord President in 1925 went round to the offices of the Medical Research Council and inquired rather diffidently whether he might be of any use. Though the Council had worked previously under some six or seven ministers, none had ever before found time to visit the offices.[3] But on the whole the recommendations for greater facilities for research have materialized along lines that show little trace of conscious planning.

[1] Report of Committee: Amalgamation of Services Common to Army, Navy, and Air Force, Cmd. 2649, relevant extract quoted in Smellie, *op. cit.*, p. 384.

[2] See Part II.

[3] Blanche E. C. Dugdale, *A. J. Balfour*, 1936, vol. ii, pp. 369–71.

The office of the Lord President has not been used to any notable extent in the manner suggested in the Report. Instead, the growing complexity of the problems confronting the administration has resulted in the appointment of a network of committees designed to pass them under review, and if possible to suggest a means whereby difficulties in the particular field to which their attention is directed may be removed.

One of the most marked tendencies of administrative practice since the War has been the increasing dependence of the administration upon advisory bodies of one kind or another. The Haldane Committee recommended that such advisory committees should come to be regarded as an integral part of the normal organization of a department and their opinion is now generally accepted. From 1919 to 1939 the Ministry of Health made use of some 125 advisory committees, staffed in some part by non-official members. The Board of Trade in the same period had 76 advisory bodies, and they have been appointed in comparable numbers by other departments. In addition, there are the Advisory Bodies of an extra-departmental character. Of these the most notable is the Economic Advisory Council, established in 1930, and designed to provide the means for a continuous study of economic problems. It was placed directly under the Cabinet, with the deputy-secretary to the Cabinet as its Secretary. Its character is in accordance with the recommendations of the Haldane Committee, but its constitution is not, inasmuch as no individual minister is responsible for its work.

Finally it should be mentioned that the Cabinet now has a Secretary charged with duties similar in character to those suggested in the Report.[1] Lord Haldane himself noted the consequent increased efficiency. "Ramsay MacDonald," he wrote,[2] "managed the Cabinet to which I belonged in 1924 more effectively than either Campbell-Bannerman or Asquith. But then he had Sir Maurice Hankey as Secretary, with an agenda paper and carefully drawn minutes in which the decisions were recorded." But the size of post-War Cabinets was not appreciably reduced till after the outbreak of the War of 1939. Only the first National Cabinet

[1] W. Ivor Jennings, *Cabinet Government*, 1936, pp. 186–89.
[2] *Op. cit.*, p. 217.

of 1931 comprised as few as ten members, which was the number recommended by the Committee. Mr. MacDonald's formed in January 1924 had twenty members; Mr. Baldwin's Cabinet formed in November 1924 had twenty-one members; Mr. Chamberlain's Cabinet formed in 1937 had twenty-one members.

THE EVIDENCE SUBMITTED TO THE COMMITTEE

The quality of the Haldane Report invites the question: Why was it possible for this Committee to produce so authoritative a report on so complex a subject when the majority of Government committees fail to achieve a comparable result in more restricted fields of inquiry? Three reasons may be suggested. The Haldane Committee was small, its members were able and experienced, and finally the evidence submitted to it was of exceptional quality. This last point alone requires some little elaboration since it is a matter closely affecting the procedure of advisory bodies.

Unlike the Royal Commission on Electoral Systems the Haldane Committee did not examine witnesses publicly. Instead, the members were provided at the outset with detailed descriptions of the constitution and working of each Government Department. "Furnished with these confidential memoranda," writes Mrs. Webb,[1] "they enjoyed the privilege of long confidential talks, not only with the officials who prepared or endorsed them, but also with officials of other departments, with Cabinet and ex-Cabinet ministers. By these consultations they were able to test, to correct, and to supplement the written information. In the ease and comfort of a private house, sanctified by the portraits of philosophers and jurists, exhilarated by tea and soothed by tobacco, all sorts of interesting sidelights emerged from this friendly clash of official minds, illuminating the work of particular departments (notably other people's departments), and revealing the relations —between the Cabinet, Parliament, the Civil Service, and the Press. The drawback to this method of taking evidence is that the yield is monopolized by a few privileged investigators and cannot be communicated to the public, except in so far as official

[1] *Methods of Social Study*, pp. 149–52. Mrs. Webb was a member of the Haldane Committee.

discretion and political expediency permitted it to appear in a veiled fashion in the descriptions and recommendations included in the final Report."

IV. THE CONFERENCE ON THE REFORM OF THE SECOND CHAMBER

The Conference on the Reform of the Second Chamber assembled in 1917 and reported[1] in the following year.

A Conference is composed of members drawn in equal number from each House of Parliament. By its constitution it is a body more normally used and best suited to find a *modus vivendi* in the event of a dispute between Lords and Commons. But in this instance, as in that of the Conference on Devolution whose work is considered in the next section, it is clear that the Conference was appointed to fulfil an advisory function. Such was the expressed view of the Government at the time, and there appears no reason to dispute it. Consequently in this instance the Conference filled a rôle more usually reserved to Royal Commissions or departmental committees, and its work is reviewed for that reason in this survey of the work of advisory bodies in the reform of the machinery of government.

THE TERMS OF REFERENCE

The preamble to the Parliament Act of 1911[2] reads:

> Whereas it is expedient that provision should be made for regulating the relations between the two Houses of Parliament:
>
> And whereas it is intended to substitute for the House of Lords as it at present exists, a Second Chamber constituted on a popular instead of an hereditary basis, but such substitution cannot be immediately brought into effect:
>
> And whereas provision will require hereafter to be made by Parliament in a measure effecting such substitution for limiting and defining the powers of the Second Chamber . . .

The Conference on the Reform of the Second Chamber was called by the Prime Minister on August 25, 1917. Its creation

[1] Cd. 9038.

[2] 1 & 2 Geo. V., ch. 13.

was admittedly a consequence of the constitutional crisis of 1910–11, yet its terms of reference differed in certain significant respects from the language of the Parliament Act. The terms of reference were to inquire and report:

"(i) As to the nature and limitations of the powers to be exercised by the reformed Second Chamber.

(ii) As to the best mode of adjusting differences between the two Houses of Parliament.

(iii) As to the changes which are desirable in order that the Second Chamber may in future be so constituted as to exercise fairly the functions appropriate to a Second Chamber."

The reason for this difference in language was that the Conference assembled in a very different atmosphere from that under which the Parliament Act had been passed. In 1911 a Liberal Government, in the face of the most bitter Conservative opposition, carried a constitutional reform twice endorsed by the electorate. In 1917 not a Liberal, but a Coalition, Cabinet was in office. Mr. Lloyd George was Prime Minister, but Lord Curzon, Lord Milner, Mr. Bonar Law and Sir Edward Carson were all members of the War Cabinet, whose total membership was then six. When one recalls the part played, especially by Mr. Bonar Law and Sir Edward Carson, in the constitutional crisis of 1910–11, then one can understand that the reform of the Upper House was no longer a policy pursued with the relentless zeal that had carried the Parliament Act. In addition the reformers of 1911, even if they had not provided a permanent solution of this constitutional question, had at any rate imposed a salutary restraint upon the exercise of those powers most resented by the Liberal Party. And as the edge of the grievance was blunted, so too the urge for reform lost vitality.

THE ATTITUDE OF THE GOVERNMENT

For some time[1] before a definite reply was given, questions had been asked spasmodically in the House with a view to eliciting the intentions of the Government towards the Reform of the Lords. But it was not till August 16, 1917, that Mr. Bonar Law

[1] E.g. *H. of C. Debates*, vol. 96, col. 36.

announced that a Conference was shortly to be called and that Lord Bryce had consented to act as Chairman. In reply to a question, Mr. Bonar Law stated it to be the view of the Government that this Conference should sit and confer in private and that it should not receive evidence.

It will be observed that the principle enunciated in the Parliament Act does not reappear in the terms of reference. The statement that the Second Chamber is to be "constituted on a popular instead of an hereditary basis" is watered down to a chamber "so constituted as to exercise fairly the functions appropriate to a Second Chamber." The House was given no opportunity to discuss these terms of reference, Mr. Bonar Law stating that "this is a Committee appointed by the Government to advise it."[1]

THE PERSONNEL OF THE CONFERENCE

The Conference was composed of thirty members, fifteen drawn from each House. The personnel was distinguished. It included the Archbishop of Canterbury, eight members with Cabinet experience, namely, Lord Bryce, Lord Balfour of Burleigh, Lord Beauchamp, Mr. Austen Chamberlain, Lord Crewe, Sir Charles Hobhouse, Lord Lansdowne, Lord Loreburn, and Lord Selborne, and a former Governor-General of Australia, Lord Denman. Its chairman, Lord Bryce, was the most able constitutional critic of the day. All parties were represented. The Unionist members of the Conference numbered fourteen, the Liberal twelve, the Nationalist two, and there was one Independent. While the Conference did not examine witnesses it was furnished by the Foreign Office with information on the constitution of Second Chambers in foreign countries and by the Colonial Office on Second Chambers in the self-governing Dominions. In particular the Conference was supplied by five distinguished French publicists (including Professor Barthélemy and M. André Lebon, a former Minister of the Colonies and of Commerce), with detailed information as to the composition and working of the Senate in France.

[1] *H. of C. Debates*, vol. 96, cols. 1399–1400

The Conference assembled on October 2, 1917; it held forty-eight sittings and presented its report in April 1918.

SUMMARY OF RECOMMENDATIONS

Since the Report covers a complex field it is well for the sake of clarity to give a brief summary of its principal recommendations.

Method of Composition

The Second Chamber shall consist of two sections:

(1) One section shall consist of 246 persons elected by panels of the Members of the House of Commons distributed in thirteen geographical groups.
(2) The other section shall consist of 81 persons chosen by a Joint Standing Committee, in the first instance from Members of the House of Lords, but later the choice of the Standing Committee shall be unrestricted, except that the number of nominated Peers and Bishops in the Second Chamber shall not fall below 30.

Tenure

The tenure of office of Members of the Second Chamber shall be twelve years, one-third of the members retiring every fourth year.

Powers of the Second Chamber

At the beginning of each session a Joint Standing Committee on Financial Bills is to be constituted. Its function is to decide whether or no a Bill may properly be described as a Financial Bill.

Adjustment of Differences Between the Two Houses

A Free Conference consisting of twenty members appointed by each House at the beginning of each Parliament, and in certain circumstances of an additional ten members with special knowledge of the matter in dispute appointed by each House, shall be set up in order to provide a recognized means of settling differences between the two Houses. In the event of final disagreement the will of the House of Commons, subject to certain qualifications, shall prevail.

PARLIAMENT AND THE REPORT

The Report of the Conference was published in April 1918, but, in view of the pressure of war work, the Cabinet was clearly in no position to act on the Report immediately, even had they wished to do so. A year later, however, replies from Government spokesmen seemed to indicate that the Government contemplated a reform of the House of Lords as soon as they had sufficient time at their disposal. In reply to a question in February 1919 Mr. Bonar Law said: "I hardly think it will be possible to deal with this subject during the present session; but the Government recognize its importance and its urgency." Further, Mr. Bonar Law stated that in his own view a reformed Second Chamber was needed.[1] In October of the same year he reiterated the statement that the Government "are quite alive to the necessity of doing something," and hoped that it would be possible to deal with the question in the next session.[2]

Though the Government procrastinated, their intention to deal with the Reform of the House of Lords continued to be stated in the most explicit form. The Archbishop of Canterbury later recalled the series of the promises that were made.[3] In the King's Speech in 1920 His Majesty said:

"Proposals will be laid before you during the present Session dealing with the Reform of the Second Chamber, and it is hoped that time will permit of their being passed into law."

This statement of policy was renewed in 1921 and finally in February 1922 the promise was repeated in a most specific form:

"Proposals will be submitted to you for the Reform of the House of Lords and for the adjustment of differences between the two Houses."

If the Coalition Government intended to act, it delayed over long. The Prime Minister had said at the close of 1921 that while "I cannot state the order of precedence of Government business next year, a measure (for the Reform of the Second Chamber) will be among the first to be taken."[4] To this Lieut.-Commander Kenworthy interjected the pertinent inquiry: "How

[1] *H. of C. Debates*, vol. 112, col. 1369.
[2] *Ibid.*, vol. 120, col. 689.
[3] *H. of L. Debates*, vol. 51, cols. 644–45.
[4] *H. of C Debates*, vol. 148, col. 596.

do you know you will be here?" In fact, the Coalition Cabinet fell in the autumn of 1922, and the Conservative Government that succeeded had no desire to reform the Lords. On that Mr. Baldwin was explicit, saying in 1924 that the Government had no intention of introducing legislation for such a purpose.[1]

While the House of Commons had contented itself with questions, the House of Lords passed a Resolution in 1921 urging "H.M. Government to introduce at the earliest possible moment their measure for the Reform of the Second Chamber."[2] The Government responded by the introduction of resolutions for this purpose in July 1922. Their language was extremely vague. Lord Peel, who moved the resolutions on behalf of the Government, made the most of their rather meagre virtues. He said:

"Now I admit these Resolutions as set out are a sketch, and a general sketch . . . which will have to be filled up afterwards. I might even say that these outlines are themselves rich in undisclosed articulations. They are presented in the form of Resolutions and not as a Bill. The modern Merlins of draftsmanship have not yet applied to them the complicated canons of their mysterious art. The hand of the master is no doubt there, but it is the hand of a master not enmeshed or entangled in a wilderness of inordinate detail."[3] The opinions of other Peers were phrased less poetically. Lord Lansdowne referred to "this very half-baked scheme." Lord Buckmaster doubted whether "any resolutions more vague and tenuous were ever introduced to the notice of your Lordships' House." The Archbishop of Canterbury in a very critical speech described them as a "series of platitudes." The debate was notable both for an outspoken denunciation of the Government's evasion of a most important constitutional question and for the tributes paid to the Report of the Bryce Conference. It is of interest to observe that while several speakers suggested that modifications might be required in the proposals for the composition of a Second Chamber embodied in that Report, there was a general feeling that the Conference had admirably defined the proper functions and duties of a Second Chamber.

[1] *H. of C. Debates*, vol. 169, col. 1306.
[2] Moved by Lord Selborne, a member of the Bryce Conference.
[3] *H. of L. Debates*, vol. 51, col. 526.

Moreover, the House was conscious of a need for reform, if a bi-cameral legislature were to remain an integral part of the English constitutional system. It was Lord Buckmaster who pertinently remarked that he had always been "apprehensive lest, in the quick changes that are taking place in popular opinion, we may find a Government installed in the House of Commons which will be quite unable to obtain effective representation in this House under its present constitution,"[1] and he added prophetically, "supposing for a moment the Labour Party be returned to power, not necessarily at the next election, but at the one that follows, how could it possibly work with this House constituted as it now is." A realization of this, and other problems confronting the Upper House, led to a very strong expression of opinion condemning the Government on the one hand for introducing inadequate proposals and on the other for ignoring the recommendations of the Bryce Report.

Since 1910 there have been in all four attempts to find a basis for a new Upper House. Two of these have already been discussed, the Bryce Conference, and the coalition Cabinet's proposals of 1922. There followed in 1925 rather similar proposals sponsored by Lord Cave. Finally in 1932 certain proposals for reform were put forward by Lord Salisbury. They were of a pronounced conservative character, and Lord Salisbury's chief concern was to strengthen the powers of the Upper House so that it might be in a position to resist ill-considered or revolutionary legislation. The general question of reform was the subject of debate in the House of Commons in November 1932.[2] The most notable feature of the debate was the apathy with which the question of a reformed Second Chamber was regarded by members of all parties. The House adjourned without voting on the motion of Mr. Raikes that "this House is of the opinion that a Reform of the Second Chamber is a matter of vital importance which should be dealt with without delay." Thereafter the Government consistently declined to undertake the task in the immediate future.[3]

[1] *H. of L. Debates*, vol. 51, col. 558.
[2] *H. of C. Debates*, vol. 272, cols. 892–955.
[3] E.g. Statement in *H. of C. Debates*, 1935–36, vol. 309, col. 32.

THE VALUE OF THE REPORT

Two general criticisms of the Report may be suggested. In the first place, it may be criticized on the ground that its recommendations are the product of compromise, and that as a consequence, they are not conclusive in character. This criticism has some substance, since there was not absolute unanimity amongst the members of the Conference on many important questions, and Lord Bryce had continually to readjust the opinions of his colleagues.[1] On the all-important question of the principle to be adopted for the composition of the Second Chamber, there were two clearly opposed views. One advocated filling the House with the largest available number of eminent and distinguished men; the other advocated the creation of a Chamber which would be most quickly responsive to public opinion. The Conference attempted to combine the advantages of both and Lord Bryce maintained that it was impossible "to give full scope and application to either of these principles and to secure in ample measure the benefit of either source of strength without losing some of the merits to be expected from the other." Only practical experience could decide to what extent this necessity for compromise vitiated the value of the conclusions reached.

The other criticism generally levelled against the Bryce Report is that its conclusions are too academic in character to be workable. In support of this criticism attention is directed both to the artificial character of the "groups" of members of the Commons designed to elect the large majority of the members of the Reformed Second Chamber and to the excessive number of Joint Standing Committees to be selected at the opening of each Parliament. This criticism is substantially one of detail and does not carry much conviction.

In general it may be said that the Bryce Report, which attempted for the first time a survey and a solution of all the major questions affecting the structure and powers of a Second Chamber, remains one of the most important constitutional documents of our time.

[1] Cf. Lord Selborne, *H. of L. Debates*, vol. 51, col. 550.

THE CONFERENCE AS AN ADVISORY BODY

The Conference on the Reform of the Second Chamber was appointed to advise the Government. Since its recommendations were not embodied in legislation, its primary purpose has remained unfulfilled. This lends an air of frustration to its work which is not wholly warranted. The Conference, composed of most distinguished men of both Houses, who were representative of all parties, was admirably constituted to advise on this difficult and controversial constitutional question. It was a committee of the Legislature advising on a problem affecting the structure of the legislature. Few would deny that its analysis and its investigations into the precise character of the problem involved were lucid in statement and lasting in value. It was political considerations, not the inadequacy of work done by the Conference, that postponed the Reform of the Second Chamber.

V. THE CONFERENCE ON DEVOLUTION

The Conference on Devolution assembled, in consequence of a Resolution of the House of Commons, in the autumn of 1919. The Report was submitted to the Prime Minister early in 1920.[1] The Terms of Reference invited the Conference to "consider and report upon a measure of Federal Devolution applicable to England, Scotland, and Ireland. . . ."

ITS ANTECEDENTS

The increase of the functions of government in the last half-century is a matter of everyday comment. "The most distinctive indication of the change of outlook of the Government of this country in recent years," declared the Macmillan Report, "has been its growing preoccupation, irrespective of party, with the management of the life of the people. A study of the Statute Book will show how profoundly the conception of the function of government has altered. Parliament finds itself increasingly engaged in legislation which has for its conscious aim the regula-

[1] Cd. 692.

tion of the day-to-day affairs of the community and now intervenes in matters formerly thought to be quite outside its scope."[1] This change in outlook has involved a very considerable addition to the work to be undertaken by the Central Government. In the earlier years of the century a body of distinguished critics, mostly Liberal in their political affiliations, maintained that the Parliamentary time-table was overcrowded and that the burden now thrown on the Central Government was so weighty as to impair the efficiency both of Parliament and of the administration. They argued that devolution provided the proper remedy for such excessive centralization.

The merits and defects of devolution as a means whereby the functions of the Central Government might be diminished were rarely considered on constitutional grounds alone. Since Mr. Joseph Chamberlain had advocated federal devolution as an alternative to Home Rule for Ireland in 1885, the question had become inextricably entangled in the meshes of Anglo-Irish political controversy. Mr. Chamberlain had designed proposals which would repudiate by implication the distinctive character of the Irish Question; Mr. Gladstone later acknowledged[2] that there was no objection in principle to Home Rule for Scotland, provided the Scottish people expressed a clear wish for some such measure of devolution; Mr. Asquith accepted the principle of Home Rule-all-round but claimed that the Irish Question was of far more importance both in point of time and urgency. Mr. Gladstone and Mr. Asquith recommended federal devolution on the ground that it would "free Parliament for the great and necessary task of government." But they were not insensible to the incidental advantage, so apparent to Mr. Chamberlain, that a grant of Home Rule, followed even by some more restricted measure of devolution to Wales and Scotland, would deprive the Irish claim of its distinctive national character. In moving the motion for a measure of federal devolution in the House in 1919, Major Wood elucidated the dual motive inspiring its advocates. "I have always held the view—and it has been shared in all parts of this House—that the isolated treatment of Ireland

[1] *Report of the Committee on Finance and Industry*, pp. 4–5.
[2] In the Scottish Home Rule Debate, 1889.

inevitably increases the danger of separation, for the simple reason that demands pressed against a Central Parliament by a single subordinate assembly become evidently absurd, and impossible, when you are dealing with one central and several subordinate assemblies."[1] In this way devolution had acquired a political significance that was almost entirely irrelevant to the essential constitutional purpose of such a reform.

THE APPOINTMENT OF THE CONFERENCE

These two distinct motives—the political motive and the constitutional motive—which prompted earlier proposals for devolution, must be recalled if one is to judge the value of the work done by the Conference of 1920. Though devolution had been advocated by distinguished statesmen as the proper remedy for undue centralization, though it had been the subject of discussion in intellectual circles for many years, it was more than doubtful whether it possessed a source of political vitality sufficient to carry a major constitutional reform once it was dissociated from the urgent demands of the Irish Question. The Conference appointed in 1920, largely with the object of shelving a proposal advocated by a small but persistent minority, confirmed this doubt and produced a Report discouraging even to the most ardent advocates of constitutional reform on such lines.

The appointment of the Conference on Devolution was preceded by a debate in the House of Commons on June 3rd and 4th, 1919. The debate was of a rather desultory character, and acquired vitality only when questions affecting Ireland were discussed. Mr. Long informed the House that the Government had decided to allow a free vote. It was resolved by a majority of 137 to 34 that:[2]

"With a view to enabling the Imperial Parliament to devote more attention to the general interests of the United Kingdom and, in collaboration with the other Governments of the Empire, to matters of common Imperial concern, this House is of the opinion that the time has come for the creation of subordinate

[1] *H. of C. Debates*, vol. 116, col. 1881.

[2] *Ibid.*, vol. 116, col. 1904.

legislatures within the United Kingdom, and to this end, the Government, without prejudice to any proposals it may have to make with regard to Ireland, should forthwith appoint a Parliamentary body to consider and report:

(1) upon a measure of Federal Devolution applicable to England, Scotland, and Ireland, defined in its general outlines by existing differences in law and administration between the three countries;

(2) upon the extent to which these differences are applicable to Welsh conditions and requirements; and

(3) upon the financial requirements of the measure."

THE TYPE OF BODY APPOINTED AND ITS COMPOSITION

No member of the War Cabinet had taken part in the Commons debate of June 3rd and 4th, and Mr. Long was the only member of the Government who spoke. This indifference on the part of the Government was made the more apparent by the appointment of a Conference to inquire into the problems of a measure of federal devolution. Such a body, composed in equal parts of members of either House of the legislature, was not the type of committee best equipped to judge a constitutional issue of this kind. Acknowledged experts on devolution who were not members of either House could not be invited, men experienced in local government work of a kind that would be intimately affected by a measure of devolution were excluded on the same ground, and—most serious of all—the Conference by its constitution was deprived of the advice of those engaged in the routine work of administration. Since devolution was designed to relieve the organs of central government from an excessive burden, it was remarkable indeed that representatives of the administration should not be invited to collaborate on a committee whose work was expressly concerned with the administrative consequences of devolution.

Criticisms prompted by the constitution of this advisory body can scarcely be countered by a reference to the distinction of its personnel. On the contrary, it must be confessed, that the list of members was unimpressive. It is true that the names of two members of pre-war Liberal Cabinets, Lord Gladstone and Lord

Harcourt,[1] were to be found in the list of sixteen peers, but these two distinguished men were respected rather than vital forces in post-war politics. There were no members with Cabinet experience from the Commons.[2] All parties were represented. The sixteen peers included nine Liberals and six Unionists; the sixteen M.P.s included five Liberals, three Labour, and eight Unionists. Since the conference agreed that the national areas of England, Scotland, and Wales should be the units in a scheme of federal devolution, it is of interest to observe that the representatives of the Commons numbered five members for Scottish, four for Welsh, and two for Ulster constituencies.[3] The Speaker, Mr. Lowther, presided.

THE REPORT

The Resolution of the House of Commons was carried on June 4, 1919. The Conference met for the first time on Tuesday, October 23rd. It held thirty-two sittings. The Report was submitted to the Prime Minister in April 1920.

The Report[4] is not an impressive document, largely because the Conference was unable to reach any agreement on the fundamental point of the composition of the local legislatures. Consequently the Report consists of seven pages detailing the points on which the Conference was agreed, followed by six appendices occupying thirty pages almost entirely devoted to two alternative proposals for the constitution of local legislatures and to criticisms of each of these proposals. If the Cabinet wished to shelve the question of devolution, their purpose could scarcely have been more simply achieved than by the publication of this Report.

ANALYSIS OF ITS CONTENTS

To say that the Report does not carry conviction is not to say that it has no value. On the contrary, it is a very instructive docu-

[1] Lord Gladstone was Home Secretary from 1905 to 1910. Lord Harcourt was Secretary for the Colonies 1910–15. He resigned from the Conference later.

[2] Mr. W. Graham and Mr. R. McNeill were later to attain Cabinet rank.

[3] To whom one should add Mr. R. McNeill, an Ulster Unionist, who did not sit for an Ulster constituency.

[4] Cmd. 692.

ment, indicating (in a rather exaggerated form as the experiment in Northern Ireland has shown), the difficulties likely to be encountered in enacting a scheme of federal devolution.

The terms of reference introduced certain limitations in the scope of the inquiry. The Conference was to consider and report upon a scheme of legislative and administrative devolution within the United Kingdom having regard to:

(i) The need of reserving to the Imperial Parliament the exclusive consideration of:
  (*a*) Foreign and Imperial affairs: and
  (*b*) Subjects affecting the United Kingdom as a whole.
(ii) The allocation of financial powers as between the Imperial Parliament and the subordinate legislatures, special consideration being given to the need of providing for the effective administration of the allocated powers.
(iii) The special needs and characteristics of the component portions of the United Kingdom in which the subordinate legislatures are set up.

The Conference understood from these terms of Reference that it was not required to pronounce for or against the principle of devolution, but only to consider what, if devolution be accepted, is the most practical way of putting it into operation. As the Government proposals for Ireland had been formulated before the first meeting of the Conference, the inquiry was restricted to Great Britain alone.

The Conference reached agreement upon four of the five principal questions at issue:

(i) The Areas which the local legislatures were to administer should be the national areas of England, Scotland and Wales.
(ii) The Powers which should be devolved upon the local legislatures were satisfactorily defined.
(iii) A scheme for financial arrangements as between the United Kingdom and the local Exchequers, and
(iv) A scheme for dividing the Judiciary for United Kingdom and local requirements were accepted.

The Conference was divided upon:

(v) The character and composition of the local legislatures.

The Conference devoted more attention to the composition of the local legislatures than to any other topic, and the funda-

mental cleavage of opinion on this point at least served the purpose of elucidating all possible objections to the more generally accepted means of constituting such bodies. Two proposals were put forward, and the sponsors of each proposal displayed a zeal, that amounted at times to animosity, in the destruction of the rival plan.

A radical solution, associated with the name of Mr. Murray MacDonald, advocated the creation of local legislatures with separate elections. The opponents of this solution were so impressed with its disadvantages that they felt driven to oppose the principle of devolution itself. In a vain attempt to bridge the gulf the chairman, Mr. Speaker Lowther, submitted an alternative proposal of more modest character. The intention of his proposal was to make the least possible change in constitutional structure compatible with any scheme of devolution. He suggested the creation of Grand Councils composed of members of both Houses of Parliament representing the national areas of England, Scotland, and Wales. The Councils involved an extension of the Standing Committee system, but not a new departure in principle. The scheme was definitely of a transitional character.

PARLIAMENT AND THE REPORT[1]

The debate in the Commons in 1919 indicated that devolution was not a matter of much interest either to the Government or to the majority of the House itself. The publication of the Report disconcerted even the enthusiastic. No Government could act on the recommendations of so indecisive a document; and in this particular instance everything pointed to a reluctance on the part of the Government to act in any circumstances. It is a matter therefore of no surprise to learn that the Report was never debated in the House. For some time ministers were questioned as to whether they intended to enact a scheme of federal devolution. The replies, at first evasive, were later in the negative.[2]

[1] A criticism of the recommendations of this Report is to be found in my book, *The Government of Northern Ireland, A Study in Devolution*, 1936, ch. IV.

[2] E.g. *H. of C. Debates*, vol. 140, col. 19; vol. 139, col. 1025.

THE VALUE OF THE REPORT

The House of Commons had resolved that "this House is of the opinion that the time has come for the creation of subordinate legislatures within the United Kingdom." The intention was, therefore, that the Conference Report should determine how devolution might be put into practice. The Conference was not asked to decide for or against the principle of devolution. The principle had been accepted. It was to determine its application. The Conference was a body appointed to advise the Government on how to overcome practical difficulties. The Conference failed in this purpose since it was unable to reach agreement on the most important practical question at issue. In other words, the Conference Report could not be accepted as a preliminary to legislative enactment.

To mention that the Conference failed to achieve its stated objective is not to say that the work it accomplished is of no value at all. On the contrary, it did perform effectively one of the duties normally referred to advisory bodies regardless of their particular constitution. It did investigate the difficulties confronting a particular constitutional reform. The Report did bring to light many points that had hitherto been obscure, it consolidated in a reasonably concise document most of the available knowledge on the subject, and it remains a constitutional landmark of no little significance. But the Conference was not appointed to investigate, it was appointed as a preliminary to action.

SOME CRITICAL COMMENTS ON THE CONFERENCE AS AN ADVISORY BODY

It might well be argued that the Resolution stating that the House is of the opinion that "the time has now come" for a measure of federal devolution should not be taken at its face value. That no doubt is true. Many of the members who voted for the motion would have been surprised, and perhaps dismayed, had the publication of the Report been followed by legislative enactment. None the less, one cannot overlook, because of mental reservations of this kind, certain very pertinent criticisms of the

Conference acting as an advisory committee on an important constitutional reform.

The criticisms are twofold in character. In the first place a Conference, that is to say a body drawing its members in equal measure from the two Houses of Parliament, is not fitted by its constitution to inquire into a measure of "legislative and *administrative* devolution." Since administrative considerations were of an importance at least equal to the legislative, not only in respect of the relations to be established between local and central authorities, but also in regard to the alleviation of the excessive burden imposed upon the Central Government, it was scarcely wise that membership of this committee should be confined exclusively to members of the legislature.[1] In the second place, it is clear either that the terms of reference were unfortunately drafted or that the personnel of the Conference was unhappily selected. The Chairman ruled that the terms of reference did not require the Conference to pronounce for or against the principle of devolution, but only to consider the most practical way of putting it into operation. His interpretation is not open to question, but the value of the investigation undertaken by the Conference would have been notably increased had it, in the light of all the available evidence, embraced an answer to the question whether or no devolution was in fact a desirable reform. If, however, the terms of reference are regarded in their restricted form, then surely the Conference should have been composed of men who accepted the premises upon which the Conference was to work, men who agreed that devolution was a necessary and desirable reform, and who were concerned to give it practical effect. But in fact an examination of the voting in the House of Commons reveals that of the sixteen members drawn from that House six were not sufficiently interested to take part in the division and one opposed the resolution. In other words, a substantial proportion of the members of the Conference did not support the principle involved, and the last memorandum of the document shows that three members were hostile to the principle itself. It is more than doubtful whether men who do

[1] One distinguished ex-Civil servant, Lord Southborough, was a member of the Conference.

not endorse a principle are most suited to assist in preparing a scheme to give it practical realization. The extreme consciousness of every defect in any proposal for subordinate legislatures displayed by members of the Conference might be attributed more to their mistrust of the principle involved than to their perception of the inadequacy of particular proposals under review.

The defects in the constitution and in the personnel of the Conference produced something approaching indifference. The Chairman, Mr. Speaker Lowther, later recalled the atmosphere that prevailed.[1] "The discussions," he wrote, "had been of great interest as they raised recondite and sometimes difficult questions of constitutional law, but all along I felt they were academical rather than practical, and that the driving force of necessity—which had been so active a force in the Electoral Reform Conference—was absent."

VI. THE COMMITTEE ON MINISTERS' POWERS

The Committee on Ministers' Powers was appointed by the Lord Chancellor, Lord Sankey, in October 1929, to consider "the powers exercised by or under the direction of Ministers of the Crown by way of (*a*) delegated legislation, and (*b*) judicial or quasi-judicial decision, and to report what safeguards are desirable or necessary to secure the constitutional principles of the sovereignty of Parliament and the supremacy of the law."[2]

ITS ANTECEDENTS

The notable increase in the volume of work to be performed by the organs of the Central Government since the beginning of the century has necessitated a delegation of function to inferior authorities. The practice has been evolved to meet the growing demands upon the Central Government; it was not formally estab-

[1] *A Speaker's Commentaries*, 1925, vol. II, p. 271.

[2] Mr. Robson's comment on these terms of reference is not without interest: "there we have the curious spectacle of the conclusions at which the Committee is expected to arrive being embodied in its terms of reference. The Committee started life with the dead hand of Dicey lying frozen on its neck." *Vide* article in *Political Quarterly*, vol. III, 1932.

lished by comprehensive legislative enactment. Delegated legislation is common to-day simply because Parliament in the United Kingdom, as elsewhere, has not the time to compile statutes so minutely detailed as to meet every possible situation which may arise. As Professor Laski has written, "what is always typical of the modern State is that over and above the general law-making authority, there will be found a number of subordinate authorities with the power to bind citizens as though they were making statutes."[1]

The number of statutes enacted by Parliament (contrary to common belief) has not increased in the last half-century. 117 statutes were enacted in 1871, 91 in 1873, 36 in 1904, 58 in 1911, 82 in 1920, 39 in 1929, 58 in 1934. But the field now covered by legislation is immensely wider since the Government, irrespective of party, has become increasingly preoccupied with the management of the life of the people. As the Macmillan Report[2] observed, "Parliament finds itself increasingly engaged in legislation which has for its conscious aim the regulation of the day-to-day affairs of the community and now intervenes in matters formerly thought to be quite outside its scope. The new orientation has its dangers as well as its merits. Between liberty and government there is an age-long conflict. It is of vital importance that the new policy, while truly promoting liberty by securing better conditions of life for the people of this country should not, in its zeal for interference, deprive them of their initiative and independence which are the nation's most valuable assets."

The Committee on Ministers' Powers was appointed not to inquire into the principal danger held to be inherent in the new policy, but to examine the particular methods by which it is carried out. Of these the most notable is the practice of entrusting legislation and judicial functions to the executive. The extent of the powers so devolved in post-war years was regarded with no little misgiving by a considerable proportion of the public. Mr. Carr[3] had pointed out that in 1920, while eighty-two Acts of Parliament were placed on the statute book, more than ten times as many Statutory Rules and Orders of a public kind

[1] *Grammar of Politics*, 1926, p. 388.
[2] Cmd. 3897, 1931.
[3] C. T. Carr, 1921, *Delegated Legislation*, p. 2.

were officially registered under the Rules Publication Act. The second volume of the Public General Acts for 1920 occupied less than six hundred pages, while for this year the two volumes of Statutory Rules and Orders occupied about five times as many. Though the proportionate excess of delegated legislation had diminished to some little extent since 1920, there clearly existed a *prima facie* case for a properly constituted inquiry into the powers delegated by Parliament, the more so since the practice of delegation had been adopted from time to time under pressure of circumstances, and Parliament had pursued this course without fully examining its attendant risks. The practice of delegation was admittedly used much less in the United Kingdom than in certain continental countries such as France, where the enactment of a very short statute put into operation by a series of complicated ministerial decrees is the accepted practice; but in the United Kingdom, where the authority of the administration has always been viewed with mistrust, the introduction of a similar practice was held to be at variance with tradition, to threaten the legislative supremacy of Parliament and to constitute an insidious menace to the liberties of the subject.

The growth of delegated legislation has resulted in the execution of judicial functions by administrative bodies. In certain instances this has resulted in the exclusion of the ordinary Courts from scrutiny of their decisions. The potential danger to the liberty of the individual from the growth of such a system of law was emphasized in a book, *The New Despotism*, by the Lord Chief Justice, published in 1929, the year of the Committee's appointment. Armed with a title nicely calculated to arouse the worst misgivings, Lord Hewart came with turbulent impetuosity to the defence of those principles for which "Hampden had died in the field and Sidney on the scaffold." The strictures on Ministerial Tribunals received a wide publicity. Lord Hewart wrote:

"Save in one or two instances none of the Departments publishes any reports of its proceedings, or the reasons for its decisions, and as the proceedings themselves, if any, are invariably held in secret, even interested parties have no means of acquiring any knowledge of what has taken place or what course the Department is likely to take in future cases of the same kind. A Depart-

mental Tribunal is, however, in no way bound as a Court of Law to act in conformity with previous decisions, and this fact is commonly regarded as one of the reasons for a policy of secrecy. Others may think that the Department is afraid to disclose inconsistencies and a want of principle in its decisions. However that may be, the policy is fatal to placing any reliance on the impartiality and good faith of the tribunal. It is a queer sort of justice that will not bear the light of publicity."[1]

Criticisms so sweeping made it very desirable that the public should be reassured by a thorough investigation into the working of the new constitutional machinery.

THE PERSONNEL OF THE COMMITTEE

Lord Donoughmore was appointed Chairman of the Committee, but on his resignation in 1931 was succeeded by Sir Leslie Scott, K.C. The Committee was composed of seventeen members and aspired to be both "expert" and "representative." There were two members of the Lords and six M.P.s; of the latter three were Labour, two Unionist and one Liberal. There were five King's Counsel, a solicitor, two Civil servants of outstanding distinction, Sir John Anderson and Sir Warren Fisher, three professors including Sir William Holdsworth and Mr. H. J. Laski. Though appointed by a Labour Lord Chancellor the Committee was predominantly Conservative in character.

The Committee was appointed in 1929; its Report was published in 1932.[2] The expenses incurred in preparing the Report amounted to the modest total of £241, of which £158 represented the cost of printing and publication.

THE EVIDENCE

The evidence examined ranged from the considerable body of literature on this subject to departmental memoranda and written or oral evidence from other persons or organizations. Among the books to which the Report refers, C. K. Allen's *Law in the Making*, F. J. Port's *Administrative Law*, and W. A. Robson's *Justice and*

[1] *The New Despotism*, 1929, pp. 48–9.

[2] Cd. 4060.

Administrative Law may be mentioned in addition to those of Mr. Carr and Lord Hewart to which reference has already been made. The departmental memoranda were valuable statements of the type of powers devolved and of the conditions of their exercise. These memoranda are reprinted in the first companion volume to the Report. They were later supplemented by oral and written evidence from certain selected departments and official witnesses, as Sir Maurice Gwyer and Sir William Graham-Harrison.[1] Finally, evidence was received from certain unofficial witnesses and from a number of influential organizations, as the Association of British Chambers of Commerce, the Federation of British Industries, and the Law Society.[2] The evidence thus submitted will be found in the second companion volume to the Report.

In all the Committee held fifty-four meetings at twenty-two of which oral evidence was taken.

ANALYSIS OF THE REPORT

The Report is a document of some considerable length[3] divided into three sections. The first is introductory; the second and third deal with delegated legislation and judicial or quasi-judicial decisions respectively. The recommendations on delegated legislation embodied in the Report were of a conservative character. The principle of delegation was approved. The Report states:

"We do not agree with those critics who think that the practice is wholly bad. We see in it definite advantages, provided that the statutory powers are exercised and the statutory functions performed in the right way. But risks of abuse are incidental to it, and we believe that safeguards are required, if the country is to continue to enjoy the advantages of the practice without suffering from its inherent dangers. . . . In truth, whether good or bad, the development of the practice is inevitable."[4]

The specific safeguards suggested by the Committee were for the most part designed to secure greater precision and to eliminate illogical discrepancies in language and procedure. In addition

[1] The former at that time Treasury Solicitor and the latter at that time First Parliamentary Counsel.
[2] A full list given on p. 3 of the Report.
[3] 138 pages
[4] *Vide* p. 4.

the appointment of a Standing Committee was recommended in order to keep Members of Parliament informed, both as to the nature of the legislative powers which it was proposed to delegate in any particular Bill, and of the general characteristics of the regulations made in the exercise of such powers. The Committee would consider a Bill containing any such proposal for delegation with as little delay as possible, and would then report to the House whether the powers to be conferred were wholly normal or in any respect exceptional in character. The procedure was designed so as to ensure that the report of the Standing Committee should be a condition precedent to further progress of the Bill.

The Committee also recommended that judicial (as distinct from quasi-judicial) functions should normally be entrusted to the ordinary Courts of Law and that their assignment by Parliament to an executive authority should be regarded as exceptional and requiring justification in each case.

THE VALUE OF THE REPORT

The more important constitutional recommendations of the Donoughmore Committee have not received a legislative sanction. In 1935 in reply to a question, dealing more particularly with the constitution of the proposed Committee to consider regulations and orders made by virtue of delegated authority, Mr. Baldwin said that the Government could not hope to find any opportunity of dealing with the conclusions of the Report in the present circumstances.[1] On the adjournment debate for the summer recess in the same year Mr. Dingle Foot urged a full discussion of the Report. In his reply the Solicitor-General, Sir Donald Somervell, was evasive. He said, "The Report makes a number of recommendations as to the form which legislation should take. The Government may or may not adopt those recommendations. I have been given two examples of cases where they have not been adopted. I could, if I had time, give examples of cases in which they have been adopted. It would be quite wrong if the House were left with the impression that

[1] *H. of C. Debates*, 1934–35, vol. 298, cols. 2125–26.

this was a report which had been put in a pigeon-hole."[1] On the particular and important recommendation of a Standing Committee to examine Bills, Sir Donald doubted whether in fact it would be possible for a Committee of this kind to separate principles from details in the way suggested in the Report. Mr. Robson, writing some two years earlier, had also questioned the ability of the Committee to report on form while avoiding judgment on substance.[2]

It would be a mistake, however, to suppose that the only, or indeed the most important, task of the Donoughmore Committee was to make specific recommendations. It had also to determine what foundation, if any, existed for the attacks, sometimes unrestrained in character, that had been made on the growth of executive power. Lord Hewart, to take the most notable instance, had pointed out that there was a persistent influence at work which had the undoubted effect of placing a large and increasing field of departmental authority beyond the reach of ordinary law. Thus, what he called a despotic power was created which placed the Government Department above the sovereignty of Parliament and beyond the jurisdiction of the Courts. He then remarked that the growth of delegation to Government Departments had proceeded side by side with a growth in the number of Government officials and suggested that "it was the officials in the departments concerned who initiate the legislation by which arbitrary powers are conferred upon them."[3] The Report refutes this charge, saying "We see nothing to justify the lowering of the country's high opinion of its civil service" or "any ground for believing that our constitutional machinery is developing in directions which are fundamentally bad." If the right safeguards are taken "there is no ground for public fear." The suggestion that the growth of departmental powers is due to an attempt by the civil service to secure arbitrary power for themselves "is unsupported by the smallest shred of evidence."

The Report of the Donoughmore Committee, in fact, reassured the public and removed the spectre of a new despotism. In

[1] *H. of C. Debates*, vol. 304, cols. 3087–92.
[2] Article in *Political Quarterly*, vol. 3, 1932.
[3] *Op. cit.*, p. 52. *Vide* also Robson's article in *Political Quarterly*.

addition, its recognition of the need for delegated legislation, a recognition rendered the more impressive by reason of the conservative character of the Committee and its obvious reluctance to acknowledge a development admitted to be inevitable, has and will clearly continue to have, far-reaching consequences upon the future relationship between legislature, executive and judiciary in the United Kingdom. Approval of its particular recommendations was general. Mr. Robson wrote, "Taken as a whole the recommendations of the Committee on delegated legislation seem to be exceedingly good."[1] Mr. Jennings said, "The Report, though based fundamentally upon a reactionary philosophy, is realistic in character, and may be accepted both in respect of its recognition of the need for delegating legislative powers and of the necessary safeguards which ought to be imposed."[2] The most far-reaching criticism was contained in two appendices to the Report, in which it was argued that the practice of Parliament delegating legislation and the power to make regulations ought to be widely extended instead of being grudgingly conceded, and new ways devised to facilitate the more rapid extension of social services in the modern State.[3]

VII. SOME GENERAL CONSIDERATIONS ON THE USE OF ADVISORY BODIES IN CONSTITUTIONAL REFORM

THE RELATIVE IMPORTANCE OF ADVISORY BODIES

In order to see the work of such committees as fall within our survey in proper perspective, it is essential to recall that the appointment of an advisory body is not an invariable antecedent to constitutional reform. On the contrary, reference to an advisory body has occurred only when the subject to be examined is not of an urgent political character. The provisions of the Parliament Act were determined by the policy of the Liberal Cabinet, and not in accordance with the recommendations of a committee which had inquired into the proper distribution of powers in a

[1] *Op. cit.* [2] *Parliamentary Reform*, chapter v.
[3] Annex VI and VII. Note by Miss Wilkinson approved by Prof. Laski.

bi-cameral legislature. The Conference on the Reform of the Second Chamber was not appointed till 1917, in other words, not until the powers and composition of the Upper House had ceased to be a matter of acute political controversy.

The fact that no advisory body was appointed preparatory to the legislation of 1911 indicates what may be termed the political restriction on their use. This restriction has a constitutional counterpart imposed by the flexibility of British constitutional machinery, which enables important changes in constitutional practice to take place without legislative sanction. The gradual evolution of the Cabinet system, for example, normally renders impracticable investigation of any departure from established convention by a committee of inquiry.

This may be illustrated by an important point of constitutional usage in which some change seems to have occurred in recent years. Lord Oxford and Asquith says quite definitely that "such a question as the dissolution of Parliament is always submitted in the Cabinet for ultimate decision."[1] There is the equally good authority of Mr. Baldwin's speeches for the statement that there was no discussion in the Cabinet of the dissolution in 1935, and this would seem to have been true of all the post-war dissolutions. It would be going too far to represent this, as Dr. Jennings does, as a change in a rule of the constitution.[2] It is the Prime Minister who tenders advice to the King that Parliament should be dissolved, and the King does not ask whether the advice represents the "decision of the Cabinet." The Prime Minister is in constant and intimate association with his Cabinet colleagues, and must be fully aware of their wishes and opinions on such a question as the occasion for a dissolution of Parliament. Whether the matter is or is not actually discussed at a Cabinet meeting is a question of less importance than it may seem. During the period covered by Lord Oxford and Asquith's statement there were no Cabinet records. There are not to-day any rules of procedure or standing orders governing Cabinet business. There are changes in practice or in custom but not changes in rules. They are changes

[1] *Fifty Years of Parliament*, vol. ii, 1926, p. 195.

[2] W. Ivor Jennings' *Cabinet Government*, pp. 311–18, gives expression to the view here criticized.

in the processes of a living organism, and the expediency of such changes is not a matter for discussion by, or recommendation from, an advisory body.

There are recent developments in other directions, on the whole of rather lesser constitutional importance, that have not been submitted to examination by an advisory body. The growth of semi-autonomous bodies, like the B.B.C., the Central Electricity Board, the Unemployment Assistance Board, which constitutes one of the most notable developments in the administrative machine since the War,[1] has not been the subject of an investigation designed to elucidate (say) their conformity with the doctrine of ministerial responsibility. Even more suggestive of the limited use normally made of advisory bodies is the fact that the Committee on Ministers' Powers was appointed, not to inquire into the advisability of extending the powers of ministers, but to determine, at a time when the growth of ministerial power was well established, the negative point of "what safeguards are desirable or necessary to secure the constitutional principles of the sovereignty of Parliament and the supremacy of the law."

In general, it may be said that the subjects referred to advisory bodies in the field of constitutional reform tend to be of a complex and somewhat academic character, such as require detailed investigation prior to the drafting of legislation. In this way proposals for reforms that occasion acute party feeling are excluded from their purview because normally such reforms are intended to provide a direct and drastic remedy, whilst for a different reason gradual developments in political and administrative practice cannot be referred to an advisory body at the moment of initiation without destroying the essential character of a constitutional system which through the centuries has "broadened down from precedent to precedent."

SOME CRITICAL COMMENTS ON THE COMPOSITION OF SUCH ADVISORY BODIES

The most effective of the advisory bodies considered was that whose membership was smallest. The presumption so derived

[1] *Vide ibid.*, pp. 74–6.

in favour of a small membership is supported negatively by the evidence of the Conference on Devolution. Here a membership of thirty encouraged the growth of rigid and ultimately irreconcilable divisions of opinion. In a smaller body a report embodying the "sense of the meeting" would surely have emerged in place of two propagandist and mutually destructive statements.

The case for small membership is confirmed in all instances where the representative principle of selection is accepted, for otherwise there is real danger that party divisions will be reproduced in miniature and so destroy the value of the committee's work. When the advisory body appointed is designed to be a committee of experts, then the objection against a larger membership would appear to be considerably diminished. But on the other hand the number of "experts" able and willing to serve on a particular committee must normally be limited. Consequently it may be concluded that a membership of thirty such as served on the Conferences on Devolution and on the Reform of the Second Chamber, tends to introduce divisions without bringing any compensating advantages, and that advisory bodies of that size should therefore be avoided. The Haldane and Donoughmore Committees suggest that the ideal figure would lie somewhere between seven and fifteen.

EXPERT OR REPRESENTATIVE MEMBERSHIP?

The material at one's disposal in the field of constitutional reform is too limited to enable one to pronounce judgment on the relative value of "expert" and "representative" committees. Two points may, however, be noted. The three advisory bodies which, produced effective reports—that is to say the Bryce Conference, the Donoughmore and Haldane Committees—though not (with the possible exception of the last-named) possessing a wholly "expert" membership—did enjoy a strong infusion of "expert" members. On the other hand, the membership of the Conference on Devolution was not only "representative" but also by its very constitution precluded the appointment of experts, whilst that of the Royal Commission on Electoral Systems was of deliberate intention neutral in character, the members being

selected because they had at no time expressed any opinions on, or displayed any interest in, the subject under consideration. This experiment of a "neutral" advisory body was a failure.

THE TERMS OF REFERENCE AND THE REPORT

If any advisory body is to prepare a valuable report, its terms of reference must be carefully and precisely drafted. The terms of reference of the Donoughmore Committee have been criticized on the ground that they embody the conclusions at which the Committee was expected to arrive, but the criticism in this instance is of minor importance since it is evident that the work was thereby in no way affected. But the same cannot be said of the Conference on Devolution. By its terms of reference the Conference was not required to pronounce for or against the principle of devolution but to consider what, if devolution be accepted, was the most practical way of putting it into operation. A large proportion of the persons appointed to serve on the Conference did not accept the principle; some indeed had actually opposed it in the House, and were consequently both unwilling and unfitted to discover the best means of putting it into operation. The resulting confusion might well have been avoided had the Government either drafted terms of reference acceptable to the members appointed or selected persons who agreed with the principle underlying the particular terms of reference.

The evidence submitted to these committees varied according to the type of body appointed and to the subject to be investigated. In general, it appears that the examination of witnesses, which takes an inordinate time, yields but meagre results. In this respect the Donoughmore Committee was to some extent exceptional only because in that instance there were lawyers to conduct the cross-examination of witnesses. The evidence heard by the Royal Commission on Electoral Systems certainly confirms the Webbs' verdict that "of all recognized sources of information the 'evidence' given at these inquiries has proved to be the least profitable."[1]

The majority of the Reports are too long. This applies with

[1] *Op. cit.*, p. 142.

particular force to the Royal Commission on Electoral Systems, where an excessive quantity of detail is included in the Report itself. For this the "neutral" outlook of its members may be in part responsible, since it induced them to assemble material rather than to pronounce a verdict upon it. But it applies with almost equal force to other advisory bodies. The effect of the Reports upon public opinion is diminished by its presentation in a form too cumbersome to be easily digested.

TYPE OF ADVISORY BODY

The constitution of the advisory bodies whose work has been considered in this study has varied. There have been a Royal Commission, two Departmental Committees of inquiry, and two Conferences. In the first two categories the constitution of the advisory bodies enabled the services of persons drawn from outside the Government machine to be utilized, whilst in the other category membership was confined to the two Houses of Parliament.

On the whole these differences in constitution have little material consequence so long as discretion is exercised in the selection of an advisory body suitably constituted for a particular investigation. The appointment of a conference, for example, to inquire into the problem of devolution was unfortunate in as much as its constitution automatically excluded from membership persons with expert knowledge of actual administrative problems. In general, however, the precise constitution of an advisory body is not of cardinal importance.

A more valuable definition of the type of an advisory body may be obtained by asking the question: Why was it appointed? Was it to investigate? Or to prepare for legislation? Or to shelve an inconvenient proposal? The answer to these questions defines the essential character of an advisory body. The Royal Commission on Electoral Reform Systems is an example of a body appointed to investigate, the Donoughmore Committee and the Bryce Conference of bodies appointed as a preliminary to legislation (which was not in the event enacted), whilst the Conference on Devolution was designed merely to shelve. It is to be noted that while the use of advisory bodies preparatory to legislation

and for investigation has yielded somewhat disappointing results, the misuse of such bodies for shelving has been completely successful.

CONCLUSION

The reports of the committees included in this survey are devoted without exception to advising upon matters of fundamental constitutional importance. They are exhaustive in character and their preparation has involved, not only hard work and considerable expense, but also the sacrifice of time by men not well able to spare it. Since the recommendations of no such committees have been enacted in full, and of only one in part, the time, the labour, and the expense of preparing such reports may well seem difficult to justify. Sir Arthur Salter has said: "It ought to be regarded as a reproach—except in the event of decisive and unforeseeable later events—that a Government should have appointed a Commission consisting of persons chosen by itself, and entrusted with a task defined by itself, and should then come to the conclusion that either itself, or some other persons, were better qualified to decide on the same issue."[1] To appoint a Royal Commission only as a preliminary to legislation, as Sir Arthur advocates, would probably involve too sharp a break with tradition, especially since the adoption of such a practice would by implication discredit the committee of investigation which has its own and proper uses. But, whatever view be taken of this particular proposal for reform, it is clear that the present practice is indefensible. The fate that has overtaken the work of advisory bodies on constitutional reform accounts for the indifference with which even the most significant of such reports are treated, not merely by the public, but by Parliament itself.

[1] *Op. cit.*, p. 55.

THE USE OF ADVISORY BODIES BY THE TREASURY

by A. J. BROWN

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I. THE WORK OF THE TREASURY

In view of the important part which control of finance has played in the development of British government, it is natural that the Treasury, which exists primarily to administer the public finances of the country, should occupy a key position among the Departments of State. Nor is this fact without official recognition. It may not matter now that the Prime Minister is First Lord of the Treasury, but that department's political head, the Chancellor of the Exchequer, is generally considered to be the second member of the Cabinet, its Financial and Parliamentary Secretaries are respectively the Chancellor's deputy in the House of Commons and the Chief Government Whip there, and its Permanent Secretary also acts as the permanent head of the Civil Service.

The main functions of the Treasury fall into the three divisions of Finance, Supply Services, and Establishments, divisions of its

work which, until 1927, were recognized in the titles of the three Controllers (now reduced to two) who ranked immediately below the Permanent Secretary. Under the first head, there fall a large and recently much increased group of subjects such as banking, currency, the budget and taxation, credits (such as the Trade Facilities Credits), National Savings Certificates, Old Age, Widows' and Orphans' Pensions, housing finance, the finances of the London County Council, Treasury Chest Funds, the examination of Private Bills, and the administration of the Government's investment in the Suez Canal and the Anglo-Iranian Oil Company. There is also a post-war Division in the Finance Department dealing with such subjects as War Debts, Reparations, and League of Nations' Loans.

Perhaps the most important parts of the duties thus briefly indicated are those relating to the preparation of estimates, the release of money from the Consolidated Fund, and the paying of the revenue into it, as well as the duty of borrowing when necessary (within the limits set by the current Consolidated Fund Act or Appropriation Act) by Ways and Means Advances or Treasury Bills, to keep the departments supplied with funds.

The Supply Services Department deals with all questions relating to expenditure authorized by Parliament, except in so far as they are covered by the Finance Department (which deals with estimates and the general release of money from the Consolidated Fund, as mentioned above), or by the Establishments Department, which supervises pay, working conditions of staffs, superannuation, and the like. Control of the actual expenditure of money allotted is secured through the Comptroller and Auditor General, who, though officially independent of the Treasury, and reporting to the House of Commons, is ruled by it in so far as it prescribes the form of the accounts he receives, and appoints accounting officers in the departments to supervise the preparation of the Appropriation Accounts. Treasury authority for every item of expenditure is what the Comptroller has to look for. Moreover, besides controlling the estimates and the expenditure of money voted, the Treasury has the scrutiny of every Bill before it is introduced. Private Bills are not allowed to proceed

if the Finance Department finds that they involve additional expenditure from Votes of Parliament, while public Bills have to receive its approval, so that there is no chance of its being committed beforehand to any addition to the estimates.

Treasury control of both projected and actual expenditure, and of the Civil Service, is thus very complete, and has become more so in the last two decades. Though it may be argued that "expenditure depends upon policy" to a greater extent than ever before, in the sense that neither the Treasury nor any other authority is able consistently to limit or reduce expenditure to any absolute level which is thought to be desirable in itself, this does not in the least show that Treasury control has relaxed. The Treasury must rather be recognized to have given its approval more explicitly than in any former time to the expansion of expenditure which has taken place.

It is perhaps necessary to add a word about the work of the Treasury in the monetary field. The Chancellor of the Exchequer is Master of the Mint, and this control of what was once the only form of money has developed into a very thorough supervision of the modern currency and credit system. The Treasury's chief nominal powers are here derived from the Bank of England's Charter and those of certain Scottish banks, and from the relation in which the Post Office Savings Bank and the Trustee Savings Banks stand to the Post Office and the National Debt Commissioners respectively. More important are the actual powers which it exercises through its informal contacts with the Bank of England and the joint stock banks, and through its capacity to issue Treasury Bills, especially, of late years, in connection with the Exchange Equalization Fund. Perhaps the most striking increase in the Treasury's monetary control since the War, however, arises not from any increase in either its legal or its conventional powers, but from an increased willingness to alter the legal position. If a new Banking Act is not unthinkable, it matters the less that the Treasury's powers under an existing one should be small.

With this preliminary glance, we may turn to see how far this powerful department has based its practice upon outside advice.

II. THE ADVISORY BODIES: THEIR RANGE AND CLASSIFICATION, AND "BORDERLINE" CASES

The bodies which are appointed to advise Government Departments are, broadly speaking, divisible into two classes—standing and non-standing. The former exist to offer advice on some subject as it develops, either at regular or at irregular intervals, and are appointed either for some stated length of time or until they are explicitly dissolved. The latter, on the other hand, exist for the purpose of making a single report (though it may not, of course, be issued all at one time), and automatically dissolve whenever that report is presented. It will be most convenient to consider these two types of body separately.

Before going on to the main task of examining the chief representatives of the two groups, and trying to draw whatever generalizations seem to be justified, however, it is necessary to glance at a certain number of "borderline cases," whose claim for inclusion among the Treasury's advisory bodies is, for various reasons, doubtful. Certain Royal Commissions fall into this category, for, while they report to the Cabinet and not to any particular department, and while, at the same time, a very large number of them include in their reports recommendations which affect the Treasury to some extent, there are some which are clearly concerned chiefly with it (and which are dealt with below on that assumption), while others divide their attention fairly equally between the Treasury and some other department. Thus, while the Royal Commission on the Civil Service clearly advised the Treasury primarily, that on Tithe Rentcharge seems to divide its relevance between that department and elsewhere.

A slightly different question arises with respect to the two standing committees concerned with tithe questions. The first of these is the Tithe Redemption Commission, set up by the Act of 1936, which was based mainly on the Royal Commission's Report. Its duties are to fix the compensation due to tithe owners, who receive sixty-year bonds in exchange for their holdings, and the corresponding liabilities of landowners. It seems clear, however, that this Commission falls outside the scope of the

present inquiry by virtue of being judicial rather than advisory; though the fund with which it is concerned is administered by the Treasury, it definitely does not *advise* the Chancellor of the Exchequer. An even more definitely judicial body working in the same field is the Arrears Investigation Commission. We may also exclude the Standing Committee on Statute Law Revision, which, though sometimes classed as a Treasury Committee, advises the Lord Chancellor's Office.

Another doubtful case is the Sugar Commission, set up by the Sugar Industry Reorganization Act of 1935 to fix the subsidy payable to the beet sugar industry each year, and, when necessary, to fix the price at which the farmers supply beet to the factories. The Treasury is involved in so far as a subsidy is concerned, but the report of the Greene Committee on which the Act was based, was presented to Parliament by the Minister of Agriculture. Again, the Committee is not a purely advisory, but a partly administrative one, and no more need be said about it here.

A far more important "borderline case" is the Economic Advisory Council, which, though the relevance of its advice seems to be to the work of the Treasury rather than to that of any other department, was set up to advise the Cabinet directly, and has the Prime Minister as its chairman. The Council was set up in January 1930, and was, according to the Treasury Minute appointing it, "to advise His Majesty's Government on economic matters, to make a continuous study of developments in trade and industry, and in the use of national and imperial resources, of the effects of legislation and fiscal policy at home and abroad, and of all aspects of the national, imperial, and international economy with a bearing on the prosperity of the country." It was, the minute went on to state, to have no administrative and executive powers, and its reports were, in general, to be confidential.

The original Council had nineteen non-ministerial members, of whom six were academic economists or economic journalists, while the remainder were widely representative of industry, banking, accountancy, and of the co-operative and trade union movements. The two possible lines of development which seemed to be open to the Council were widely different; it absorbed the

old Committee of Civil Research, and might easily (as proved to be the case) degenerate into nothing more than a series of sub-committees of experts reporting on tropical pests. On the other hand, there appeared at the time to be a genuine opportunity of its becoming what had been much discussed in some quarters—an "economic General Staff." The reason why it did not do so seems to lie largely in the unfortunate time of its appointment. It was given the task of coping with a world depression which was by that time well under way; the means which the more active members had advocated for dealing with such a situation required not only a preparation taking at least two years but a control of civil expenditure on the part of the Central Government such as it possessed only in the sphere of armament. The special schemes (such as the Severn Barrage project) which were examined by sub-committees of the Council, moreover, were seen to be profitable—the criterion which was necessarily applied at that date—only on the supposition of a rate of interest far below anything which post-war England had experienced. The combination of this inevitable failure to improvise what really needed years of preparation and propaganda with the crisis in the national finances which the depression brought, naturally produced the famous "Treasury view," that public expenditure as a depression policy had been tried and had failed well-nigh disastrously, and—which perhaps mattered even more—caused what should have been a permanent addition to the machinery of government to be regarded primarily as the instigator of this dangerous experiment. The Council still exists, but has not met in full session for some six years.

Another standing committee which lies on the margin of relevance from the present point of view is the National Savings Committee. This, however, may be said to have an administrative rather than an advisory function; its origin is to be sought in the two committees (the "National Organizing" and "Central Advisory" Committees), which were set up in February 1916, following the Montagu Report on War Loans for the Small Investor. These were amalgamated shortly afterwards, and the combined committee continued to function after the war, under its present title. It supervises the work of a vast number of

voluntary local committees (1,245 in 1938), which elect twelve members to it, there being, in addition to these, representatives of the Board of Education, the Joint Stock Banks, the Treasury, the Association of Education Committees, the Chief Registrar of Friendly Societies, the Ministry of Health, the Post Office, the Trustee Savings Banks, and the Institute of Municipal Treasurers and Accountants. Another committee in the same field which has some advisory functions, though its main work is supervisory, is the Trustee Savings Banks Inspection Committee, which, apart from the duties implied in its title, has the task of advising the National Debt Commissioners on questions arising from the proposed amalgamations and special investments of those banks.

A number of other "borderline cases" might be instanced (as, for example, the Haldane Committee on the Machinery of Government, which reported to the Minister of Reconstruction, the Tomlin Committee of 1931 on Dormant Funds, whose report was presented to the Lord Chancellor, or the famous Donoughmore Committee of 1932 on Ministers' Powers),[1] but to do so would serve little purpose. It is sufficiently clear when a committee is advising the Treasury primarily for those which do so to be listed and classified. The list will be found in the Appendix, and the method of classification which seems most appropriate here is to deal with the standing committees in a separate section, and to consider the non-standing ones according to their subjects —banking and currency, national expenditure, national debt and taxation, the general economic situation, pensions and insurance, and "establishment" questions. These heads actually fit all but one or two of the minor committees in the period, but it will not be possible to deal in detail with all of them. The first four may be treated separately, as they illustrate rather well the influence of subject-matter and circumstances of appointment on the effectiveness of the advice given; particular committees from the other groups may be mentioned separately in the conclusion where they are important.

[1] The work of the Haldane Committee and of the Donoughmore Committee is considered in the previous chapter.

III. NATIONAL EXPENDITURE—COMMITTEES AT THEIR STRONGEST

One might expect from everyday experience that advice is most effective when it is most specifically asked for and when it most nearly takes the form which is hoped for, and this expectation seems to be partly, but not entirely, fulfilled in the field of national expenditure. One of the Treasury's most important traditional functions is the reduction of expenditure to a level which is considered proper, either conventionally or by virtue of the existing opportunities of securing revenue, and, though policy has revolutionized conventional ideas in this field since Gladstonian days, the opinion of Parliament has twice since 1919 supported the Treasury in campaigns of retrenchment. On both these occasions the department has looked to a small but highly qualified committee to suggest how economies could best be carried out.

In both cases the terms of reference have been the same: "To make recommendations to the Chancellor of the Exchequer for effecting forthwith all possible reductions in the National Expenditure on Supply Services, having regard especially to the present and prospective state of the revenue. In so far as questions of policy are involved in the expenditure under discussion, these will remain for the exclusive consideration of the Cabinet, but it will be open to the Committee to review the expenditure, and to indicate the economies which might be effected if particular policies were adopted, abandoned, or modified." The circumstances in the two cases, however, differed in several important ways.

The first of the committees charged with this task was called into being by the wartime expansion in expenditure. Gross expenditure, which in 1913–14 had been some £208 millions, reached its peak of £1,346 millions in 1918–19, but even by 1920–1 it had shrunk only to £1,331 millions. In these circumstances the Treasury issued a circular in May 1921, emphasizing the need for a reduction in the Ordinary Supply Services. These were costing £603 millions in 1921–2; it was first thought neces-

sary to reduce the cost to £490 millions, but the reduction to be made was later increased from £113 to £175 millions, of which economies amounting to some £75 millions were suggested by the departments themselves. The Committee, which was set up under the chairmanship of Sir E. C. Geddes,[1] was therefore required simply to find ways of saving a further £100 millions.

On the second occasion, the situation was not so much that total expenditure refused to fall from an alarming absolute figure, as that it was actually increasing owing chiefly to the one factor of rising unemployment. The Chancellor's budget of 1931 was admittedly based on the hope of an early recovery, total expenditure being estimated at £4 millions more than actual issues in the previous year, and revenue estimates being brought up to the same figure only by the use of non-recurring sources (anticipation of income tax payments, transfer of £20 millions from the Exchange Account, and the repeal of certain Sinking Fund provisions) to the extent of £37 millions. The highly optimistic nature of this budget is remarkable in view of the fact that the May Committee[2] had been appointed a month beforehand after an extremely grave warning had been given by the Chancellor himself of the need for economy. It seems to show that this Committee was not regarded originally as a means of dealing with an immediate crisis, but as a means of checking the growth of expenditure in the rather longer run. In fact, of course, the deepening of the slump and the onset of financial crisis while it was actually sitting (between March and the end of July) imposed upon it a far more urgent duty. The Geddes Committee had proved to be (as we shall see) rather less important than was foreseen; the May Committee proved to be immensely more important.

Something of this difference is seen in the constitution of the two committees. The first had only five members, chosen, quite clearly, not to be representative of any interests, but for their

[1] The members of the Geddes Committee were: Sir E. C. Geddes, Lord Faringdon, Sir W. G. Granet, Lord Inchcape, Sir J. P. Maclay.

[2] Sir George May, Mr. P. Ashley Cooper, Sir Mark Webster Jenkinson, Mr. Charles Latham, Lord Plender, Mr. Arthur Pugh, Sir Thomas Royden.

personal efficiency. One was a bank and insurance company director, one had been Shipping Controller, and the other three were connected with the railways. All had previous experience of advisory committees or of actual wartime administration. They worked quickly, and produced their first (and most important) recommendations within four months, the third and final report coming two months later. The May Committee, on the other hand, was slightly larger (seven members; the chairman, and two members suggested by each party), and, while it included three accountants, the three highly placed members from the financial and industrial community seem to have been regarded as, to some extent, representatives of interests, since a Trade Union member was also appointed, apparently to preserve the balance of the committee in this respect. The effect of the difference is seen in that, while the Geddes Report was unanimous, two members of the May Committee (the Trade Union official and one of the accountants) who signed the majority report, did so while dissenting from its assertion that the difficulty was due to "political developments . . . which have resulted in M.P.s being returned to Westminster pledged in advance to vast and expensive schemes."

In actual effectiveness, however, the May Committee, despite its lack of unanimity, excelled the earlier one. The Geddes Committee[1] recommended economies which should have reduced the cost of the ordinary supply services in 1922–3 to £441 millions—a reduction of some £87 millions on the figure to which the departments had already agreed under Treasury pressure, and of £162 millions on the actual expenditure of the previous year. The Budget estimates, which appeared two months after the Committee's final report, put the cost of these services at £485½ millions, so that only about half the suggested reductions were hoped for in the current year. Moreover, some £11 millions of this saving was due to naval limitations agreed to at Washington, which were not included in the Committee's suggestions. In the event the total expenditure of 1922–3 fell £87½ millions below the estimates, and for 1923–4 the estimated ordinary supply expenditure sank to £436½ millions, which was below the

[1] See reports, Cmd. 1581, Cmd. 1582, and Cmd. 1589.

Geddes Committee's recommended expenditure for the year before.

So rapid were the price changes of the period, however, that it is difficult to see how much saving was deliberate, and how much automatic. The estimated cost of ordinary supply services for 1923–4 is equivalent to £558 millions at the cost of living[1] ruling at the time when the Geddes Committee began to sit. Had there been no automatic saving due to price changes, therefore, it seems that the economies effected in the 1923–4 estimates as compared with the expenditure of 1921–2, would have been only about half of those which the Committee specifically recommended. It is also true that some of the most important reforms they suggested, such as the establishment of a Ministry of Defence, were never put into effect.

The May Committee's superiority seems to be due to the fact that, instead of being asked to suggest economies of a given magnitude, it was able to state its own problem, and that the statement was unusually striking. It was that,[2] in the year 1932–3, the revenue would probably be £46 millions less than in 1930–1, and that, since £37 millions being used to meet recurrent charges were non-recurring, the prospective revenue deficit in a full year was £83 millions. The increase of unemployment, moreover, was expected to add £17 millions to expenditure, and to this total there ought (in the Committee's opinion) to be added the £70 millions currently being borrowed for the Unemployment Insurance Fund. The total prospective deficit in a full year was therefore £170 millions, of which about half was due to the increase (as compared with 1930–1) in the cost of unemployment relief.

The suggestions they made would have effected economies of nearly £97 millions in a full year, but over two-thirds of these (£66½ millions) were to come from the reduction of unemployment benefit and the raising of contributions. The extent to which they were adopted can be seen exactly from the fresh budget which the Report caused to be drawn up. The economies there projected for the first full year amount to some £70 millions, of which changes in unemployment contributions and benefit

[1] Using the Ministry of Labour Cost of Living Index.
[2] See Cmd. 3920, 1931.

account for £36 millions. In this sphere, as in education, the Cabinet thought the recommendations too drastic; it went beyond them in reducing the cost of defence and certain salaries. The estimated supply expenditure for 1932–3 was £506 millions against £576 millions which the Committee had feared in the event of no measures being taken; the actual expenditure was £518 millions, so that a large part (some 60 per cent) of the economies recommended, and some 83 per cent of those adopted by the Cabinet, were actually secured.

In the sphere of expenditure, therefore, a committee's advice has been proved capable of winning substantial acceptance even when a Government had to be overthrown first. This case, however, is unique. In general, the expectation is justified that advice is taken only (or, at least, chiefly) when it is what the Government hopes for.

IV. CURRENCY—THE TREASURY AND THE CITY

The readiness with which advice is asked and accepted on some subjects is naturally influenced by the existence of important institutions outside the department which are particularly concerned with them. This fact is well illustrated by the Treasury's dealings with the great financial institutions of the City on the matter of currency. For many years before the War, there had been comparatively little Government interference in this field; the Bank of England and the money market (in the widest sense) had developed a method of working together which was widely regarded as well-nigh perfect, and it was therefore natural that, when the question arose of re-establishing peace-time conditions within this highly complex system, the Treasury should seek the advice of the men who had worked it.

The Treasury interference in financial matters which had been necessary in the War itself had, indeed, been carried out partly with the help of outside authorities. The American Dollar Securities Committee, which was set up in December 1915, to manage the foreign (and especially American) securities taken over by the Treasury for the purchase of materials and the pegging of the dollar exchange rate, consisted of a Civil servant

as Chairman, the Deputy Governor of the Bank of England, two members nominated by the Bankers' Clearing House, and two by the Stock Exchange Committee, besides a Manager from the insurance world who was later to become famous as the Chairman of the May Committee and of the Import Duties Advisory Committee. When the question of re-establishing the currency after the War arose, a more purely advisory committee was appointed which might be regarded as fairly representative of the pre-War financial world.

This was the Cunliffe Committee, established in January 1918, "to consider the various problems which will arise in connection with currency and the foreign exchanges during the period of reconstruction, and to report upon the steps required to bring about the restoration of normal conditions in due course." To its terms of reference there were subsequently added the words, "and to consider the working of the Bank Act, 1844, and the constitution and functions of the Bank of England with a view to recommending any alterations which may appear to them to be necessary or desirable." The Chairman of this Committee was the pre-War Governor of the Bank of England; its other members[1] included one representative each of Scottish, Irish, provincial, foreign, Canadian, Australian, and London Joint Stock banking, three interested primarily in the money market, one other Director of the Bank of England (besides the Chairman), one Treasury official, and one academic economist—thirteen in all.

The bulk of the Committee's recommendations were contained in its interim report issued in August 1918.[2] The main stress of its advice was on an early return to pre-War conditions—cessation of borrowing, reduction of the debt, return to the Gold Standard, with bank rate performing its traditional function of maintaining international equilibrium, note issue to be again (apart from private issues) the privilege of the Bank of England alone, and a limited fiduciary issue on the old model to be maintained as

[1] The members were: Lord Cunliffe (Chairman), Sir Charles Addis, Hon. Rupert Beckett, Sir John Bradbury, G. C. Cassels, Gaspard Farrer, Hon. Herbert Gibbs, W. H. N. Goschen, Lord Inchcape, R. W. Jeans, A. C. Pigou, G. F. Stewart, William Wallace.

[2] Cd. 9182.

soon as sufficient gold reserves were secured. The changes advocated (as compared with pre-War practice) were not, however, insignificant. No immediate return of gold to circulation was advocated, and it was recommended that the whole gold reserve should be concentrated at the Bank. The old rigidity of the fiduciary issue, too, was recognized as excessive, and it was proposed that it should be made possible for the Bank to extend it, with the Treasury's permission, in case of emergency. No further reform of the Bank was advocated, however; the continued separation of the departments was advised, and no change was suggested in the form of its weekly returns, though it was recommended that all other banks should issue monthly returns in a prescribed form.

It was, of course, impossible to implement the main recommendations at once, since the discount at which sterling stood in terms of other currencies was far greater than was indicated by the official pegged dollar rate of 4·765—the equilibrium rate was probably between 4·1 and 4·2. It actually became necessary (with the ending of the War conditions which had made gold export impracticable) to prohibit its exportation in March 1919. A deflationary policy was, however, pursued in the main, though with an enthusiasm which varied with circumstances. In the boom conditions of December 1919, when the brief Final Report[1] of the Committee was published, its specific recommendation for stopping the increase of unbacked Currency Notes, and allowing no subsequent year's fiduciary issue to exceed that of the previous year, was gladly accepted, and pressure was put upon the joint stock banks to curtail their advances; though in the winter before, with trade falling off, nothing had been done about the interim report, and the deflationary policy was again pursued only half-heartedly in the slump years of 1921 and 1922. The greatest departure from the spirit of the report was undoubtedly the reduction of Excess Profits Duty for the year 1919–20, when expenditure was still at the War level, and when there was in fact a realized deficit of £326 millions. Half-heartedness in following the advice of the Committee in other respects was probably a matter of necessity rather than choice.

[1] Cmd. 464.

In the longer run, indeed, the recommendations of the Cunliffe Committee were carried out almost completely. Before the fixing of the fiduciary issue could be accomplished, it had (according to the Committee's recommendation) to be established by experience *in a free gold market* that the issue fixed was compatible with the maintenance of a gold reserve of £150 millions. The question, therefore, was first, when to re-establish the free gold market, and the chief guide in this connection was, of course, the dollar exchange rate. In mid-1924, the exchange value of the pound relative to the dollar rose above its purchasing power parity as determined by wholesale price indices based upon pre-War data. There seems to be evidence that this was due chiefly to the action of speculators who realized that, when the prohibition of gold export expired at the end of 1925, the Government would be unwilling to renew it. The purchasing power parity, in fact, was falling until the third quarter of the year, as American prices were still falling, while British were rising again. In June, however, the Chancellor was sufficiently hopeful to appoint a small committee under Austen Chamberlain (replaced later by Sir John Bradbury) "to consider whether the time has now come to amalgamate the Treasury Note Issue with the Bank of England Note Issue, and, if so, on what terms and conditions the amalgamation should be carried out."

Three of the five members of this committee had served on the Cunliffe Committee. The two others were Austen Chamberlain and a Treasury official. Its report[1] was necessarily fairly definite, and was followed exactly on all points on which it was sufficiently specific. When the Report was drawn up (February 1925), the external value of the pound stood only 1½ per cent below its old parity, but the Committee recognized that a fall of 10 or 12 per cent in the British price level relative to that ruling abroad would be required if that parity was to be maintained, since speculation was partly responsible for the favourable rate then ruling. The dangers of temporary inconvenience were considered to be "many times outweighed" by the ultimate advantages of returning to the Gold Standard at the old parity.

[1] Cmd. 2393, 1925.

Its advice in this respect was accepted, and the acceptance announced by Mr. Churchill in his Budget Speech on April 29th.

On the details, the Committee was less specific. It did not advise a return to a gold currency, nor to the old free exchange of gold for individual notes, though it hoped the new notes would still bear the historic promise to pay. It was left to the Treasury to go back to Ricardo and introduce the Bullion Standard. It was, however, quite definite about the time table which should be observed in fixing the fiduciary issue and transferring the whole issue to the bank, and this was very closely followed, all the remaining recommendations of the Cunliffe and 1925 Committees being embodied in the Currency and Bank Notes Act of 1928. Yet there was something of an addition. It was not at all clear from the Cunliffe Report that the power to extend the fiduciary issue with Treasury permission was meant to be anything more than the regularization of the "crisis letter" procedure which had been used in 1847, 1857, 1866 and 1914, but in the debates on the 1928 Act it was made quite clear that the provision embodied in it was meant to be more than this; and events have justified the intention.

It seems, therefore, that, in the re-establishment of the currency up to 1928, the advice of the City was both sought and taken, but that the Treasury's interpretation was, to say the least of it, not more conservative than the advice itself. There is a very striking contrast between the careful consultation of the City in this earlier period and the failure to set up any advisory bodies in connection with the far more revolutionary changes in the monetary system since 1928. It was perhaps not to be expected in any case that the Treasury should have consulted a committee before departing from the Gold Standard in the crisis of 1931, but the establishment of the Exchange Equalization Account in 1932 and the Bank Act of 1939 were measures which would have been unthinkable in the 'twenties without previous published advice from some authoritative body. It may be concluded that, where the re-establishment of some pre-existing system in the realm of currency was envisaged, the Treasury found it wise to seek the advice and authority of experts on that system, but that, where new ground had clearly to be broken, it preferred to

accept the whole responsibility and did not consider that any body which was progressively minded enough to give acceptable advice would carry sufficient authority to be useful.

This does not mean that the Treasury has not taken expert advice in the later years. There has certainly been an increase in the closeness of its association with the Bank of England, and the actual origin of the policies followed may be either with the Bank or the Treasury—it is impossible to say which in any given instance. The Bank was strongly represented on the Cunliffe Committee and gave what was undoubtedly the most important evidence before the 1924 Currency Committee, but more recently it has become almost impossible to regard Bank of England advice to the Treasury as outside advice at all; the two exercise a joint control over currency and finance without seeking further guidance, though not, one may assume, without the closest consultation with each other.

V. INCOME TAX—CONFLICTING INTERESTS

In the sphere of national expenditure, action in accordance with the reports of committees has been considered so much a matter of necessity that those committees have been technical rather than representative of interests; in that of currency, the community which the Treasury consulted (when it consulted anyone) was sufficiently homogeneous for the reports of the committees concerned to be unanimous, though care was taken to select members representing all the principal sections of it. In fiscal matters, the communities directly affected by reforms are much more numerous and diverse than in currency questions, and the committees appointed to advise on them are therefore more like miniature parliaments.

This fact is well illustrated by the Royal Commission on Income Tax, which was appointed in April 1919 "to inquire into the Income Tax (including Super-tax) of the United Kingdom in all its aspects, including scope, rates, the incidence of tax; allowances and reliefs; administration, assessment, appeal, and collection; and prevention of evasion; and to report what alterations of law and practice are necessary or desirable and what

effects they would have on rates of tax if it were necessary to maintain the total yield." The reason for its appointment was the great rise of prices and money incomes which had vastly increased the number of income-tax payers, emphasized the inadequacies of the existing system, and created a great demand, which made itself heard in Parliament, for the increase of allowances, as these had fallen drastically in effectiveness with the rise of the cost of living. There could be no doubt that reform was an urgent matter.

The Commission itself was a very large one, consisting of twenty-five members, Lord Colwyn being Chairman.[1] Two members were academic economists, one an economic historian, three accountants, three primarily interested in banking, five or six were industrialists, and two were lawyers. Three of the remainder were known chiefly as Labour or Trade Union leaders, one was a geographer, and the departments concerned were represented by the Chairman and ex-Chairman of the Board of Inland Revenue and a Treasury official.

It was a considerable feat, in the circumstances, to produce a report[2] which was signed by every member of the Commission. There were, in fact, a number of reservations; four members thought the scope of the inquiry not sufficiently wide (and, indeed, the interpretation given to the terms of reference does seem a little narrow by comparison with that of the subsequent Colwyn Committee on Debted Taxation), five objected to the discrimination against unearned incomes, one protested against the heavier taxation of the higher incomes, two disliked the method of assessing the incomes of husband and wife, and one the proposed new general valuation of Ireland. The only serious disagreement, however, was on the taxation of Co-operative Societies, on which point seven members thought the report too harsh, two thought it not harsh enough, and two more agreed with it for reasons which they did not think adequately set out in it.

[1] The members were: Lord Colwyn (Chairman), Sir T. P. Whitaker C. W. Bowerman, W. Brace, E. G. Pretyman, Sir E. E. Nott-Bower, Sir J. S Harmood-Banner, Sir W. Trower, R. M. Holland Martin, N. F. W. Fisher, S. Armitage Smith, P. Birley, W. Graham, A. Hill (replaced on his resignation by H. A. Trotter), D. M. Kerly, L. C. M. Knowles, H. J. Mackinder, W. McLintock, E. Manville, G. Marks, H. J. May, A. C. Pigou, N. J. Synnott, J. W. Clark, J. C. Stamp.

[2] Cmd. 615, 1920.

The points on which there was general agreement were so important and so cogently stated that the report commanded the instant approval of the Government, the Chancellor referring to it in April 1920, a month after its publication, as marking "an epoch in the history of the income tax in this country," and the main recommendations, those relating to "double taxation," graduation, discrimination in favour of earned income, family allowances, and super-tax (with an insignificant alteration), were embodied forthwith in the Finance Act. It was intended to embody certain other findings in a Revenue Bill later in the session, but, after being postponed to the next session, this Bill was finally withdrawn on May 4, 1921. The mistake of introducing a separate Revenue Bill, for which it is extremely difficult to find time under modern conditions, has not been repeated since.

The chief measure which was lost through the abandonment of the Revenue Bill related to the taxation of Co-operative Societies. The majority of the Committee had recommended that all profits not distributed to members should be subject to tax, and in the event, though this was not done, a step in that direction was taken by subjecting this part of profits to the Corporation Profits tax. The matter was reopened by Mr. Chamberlain in his Budget Speech of 1932, when he announced his intention of appointing a small committee to reconsider the matter. The committee, consisting of three members, confirmed the Majority Report of 1920, and its recommendations were adopted.[1] It seems that, in this case, the appointment of a committee was intended to give authority to a controversial measure which the Government thought to be justified by the temper of the time and the urgent need for revenue.

The main successes of the Royal Commission, however, are an admirable example of the usefulness which a body of this kind may possess in a highly controversial and technical question which the department approaches without prejudice but with the will to carry out reforms.

A great work was later done in the field of taxation by the Income Tax Codification Committee, which was set up in October 1927, reconstituted in January 1932 under the chairman-

[1] Cmd. 4260, 1932.

ship of Lord Macmillan, and, after three additional members had been appointed to it in the following month, finally reported in March 1936.[1] It was a committee of legal experts, having a membership of ten in its later phase, and its final product was a Draft Income Tax Act of great complexity. It is, one supposes, not yet time to assess the effect of this report; some day, when there is plenty of Parliamentary time, something may be done about it.

VI. COMMITTEES FOR DIAGNOSIS

In all the cases so far considered, there has been some intention of taking action along lines which were known in general (though perhaps not at all clearly defined) before the committee was set up. Committees are, however, appointed in some situations where there is no specific idea in the minds of those responsible of the kind of reform which is becoming necessary, but only the feeling that there is (or is thought in some important quarter to be), "something wrong." There is quite an important distinction to be drawn between those cases where the sense of all not being well is primarily in the minds of ministers or officials, and those where it is recognized to exist elsewhere. In the former situation, a powerful committee or Royal Commission will be appointed with a view, largely, to educating public opinion, as seems to be the case (though this does not concern the Treasury in particular) with the Royal Commission on the Location of Industry, appointed in 1937. In the latter situation, the body appointed will be expected to reassure the public by its authoritative diagnosis, though that diagnosis may in fact be such as to lead to action. To this type belongs the Colwyn Committee on National Debt and Taxation. Intermediate between the two types comes the Macmillan Committee on Finance and Industry.

The nineteen-twenties were notable for the existence of a sense that something was wrong with (among other things) the economic situation. A chief factor in (and symptom of) this was the publicity given for the first time to the existence of a substantial amount of unemployment. How much had been normal before

[1] Cmd. 5131.

the War, it is almost impossible to tell; it seems probable that the level had been substantially less than that which has been usual since, but, in any case, the introduction of comprehensive statistics in the twenties created the impression that the "stubborn million" was something entirely new, indicative of some fresh maladjustment in the industrial system. At first, this was supposed to be simply the effect of war—a malady which would vanish if we, and the rest of the world, returned to peace and to stable currencies. Gradually, this belief was shaken. The new factors which were most obviously persisting in the post-War world were the gigantic national debt, carrying with it a heavy burden of taxation, and the high level of interest which prevailed. It was natural, therefore, that these, in turn, should be blamed for the failure to restore pre-War normality.

The reduction of total unfunded debt from March 1922 to March 1923 had been over three hundred millions; in the following year it was less than one hundred millions. Very large repayments of National War, Treasury, and Exchequer Bonds had been made, Treasury issues had sunk to a steady level, and the American debt had been funded. The Geddes reductions, and such others as followed price deflation had been made, and the estimates for 1924–5 showed a new increase. Yet income tax was still at 4s. 6d. in the pound, the debt was still at £6,600 millions, costing £390 millions a year, and there were still 1,100,000 unemployed. This was the situation in March 1924 when the Colwyn Committee was appointed "to consider and report on the National Debt and the incidence of existing taxation, with special reference to their effects on trade, industry, employment, and national credit."

The Committee had a membership of thirteen.[1] Three, including the Chairman, who had occupied the same office on the former occasion, had been members of the Royal Commission on the Income Tax, one had been a member of the Cunliffe Committee, and another (Sir A. Balfour) had very extensive

[1] Lord Colwyn (Chairman), Sir C. Addis, Sir A. G. Anderson, Sir A. Balfour, H. Bell, J. W. Bowen, F. Bramley, W. L. Hichens, J. A. Hobson (succeeded by Professor F. Hall), H. B. Lees-Smith, Sir W. McLintock, Sir J. C. Stamp, Mrs. B. Wootton.

experience of commissions and committees which fall outside the scope of this chapter. Three of the members were primarily bankers, three industrialists, four prominent in the Labour and Co-operative movements, one was an accountant, and two were academic economists. It took some twenty months to prepare its Report,[1] which is certainly one of the finest books—if not the finest—which have been written about Public Finance in English. It is not, however, a document upon which a great deal of immediate action could be based, with the best will in the world. Both the Majority and Minority Reports (the latter of which is signed by four Labour members of the committee, including one, Professor Hall, classed above as an academic economist), draw to a close in the form, not of "Recommendations," but of "Conclusions." The most important recommendations to be found in the Majority Report are recommendations against action —against a Capital Levy, and against both excessive increase of direct and any increase in the scope of indirect taxation.

In so far, however, as any specific recommendations of action were made, they have since been disregarded as completely as the recommendations of any report here dealt with. The scope of indirect taxation has been immensely widened; the important recommendation that the Sinking Fund should be increased first to £75 millions, then to £100 millions was so far disregarded that the New Sinking Fund of £50 millions, introduced in 1923, was dropped in favour of the "Permanent Annual Charge" after the obligations under it, increased to £65 millions by arrears, had been met (after repeated failures) in the year of the Report's publication. Almost the sole triumph which may be attributed to this great work in the sphere of positive action is the reduction of the sugar duties, which it had strongly criticized, by the Finance Act of 1928. No Parliamentary time, indeed, was allotted to its discussion, and it no doubt achieved its true purpose in giving an authoritative verdict that the real burden of the debt was probably considerably less than after the Napoleonic Wars, and that the tax burden was not substantially responsible for the existing depression of industry. How far the country was convinced, one cannot say; at all events, some doubters remained.

[1] Cmd. 2800, 1926.

Lord Bradbury in his Memorandum of Dissent to the Macmillan Report four years later still put "the burden of unproductive debt" first among the "main causes of the economic troubles of Great Britain." Nor was he without company, for the majority of the May Committee had it as one of their three cardinal principles that "only by the strictest economy and efficiency over a long period can trade be restored to pre-War prosperity and any substantial number of unemployed reabsorbed into industry."

The question of positive action with regard to the debt was, however, closed, and the search for the true diagnosis of the depression which was supposed to exist continued elsewhere. In 1929, which was, through many dark years, to provide the standard of prosperity, the existence of the "stubborn million" was still the chief fact exploited or explained from the election platforms, and it was natural that, with Bank rate above $5\frac{1}{2}$ per cent from February onwards, and as high as $6\frac{1}{2}$ per cent in the September crisis, blame should be turned to the financial system. Moreover, there was a strong disposition in some quarters to blame the Gold Standard and in others to blame institutional factors which made new home investment too difficult by comparison with foreign, so that the directions of the next inquiry were sufficiently indicated.

The consideration of the Gold Standard itself was excluded from the scope of the committee which was set up, though this is not apparent from its terms of reference, which were "to inquire into banking, finance, and credit, paying attention to the factors, both internal and international, which govern their operation, and to make recommendations calculated to enable these agencies to promote the development of trade and commerce and the employment of labour." In the reply to a question by Mr. Morley, however, in which the first Parliamentary hint of the committee's appointment was given, the Chancellor stated plainly that, while an inquiry into finance and industry was under consideration, any modification of the Gold Standard was not. The Committee did, in fact, discuss the Gold Standard, but reported in the sense expected of it.

The Macmillan Committee, which was appointed in November

1929, consisted of fourteen members,[1] of whom two were academic economists, three industrialists, four bankers, and three connected primarily with the Labour and Co-operative movements. Of the remaining two, one was a former Permanent Joint Secretary to the Treasury, and the other (the Chairman) a lawyer, but formerly an engineer, Director of Intelligence in 1918, and a member of two or three advisory bodies not connected with the Treasury.

As the Committee remained at work for some nineteen months, beginning just after the break of the Big Bull Market in Wall Street, the march of events during its sessions imposed a definite theme upon it, just as was the case with the contemporary May Committee. There was, however, this vital difference, that, while events forced the latter to draw up a particularly hair-raising report, and to proceed to the most drastic and urgent recommendations for internal reforms, the Macmillan Committee, being concerned with much wider issues, was driven to recommending international action for the saving of economic liberalism. Since the aspects of the situation to which the May Report drew attention in the month after the Macmillan Report's publication were on the whole the more alarming, and since it was in any case far easier to take measures with regard to them, the Government disregarded the international aspect until the country's position was such that only a step towards financial autarky was possible. It may, however, be argued that, in the three hectic months between the Report's[2] publication and the departure from the Gold Standard, no action was possible; it may be well that, for its broader purposes, the Macmillan Committee reported, in any case, too late.

The main steps recommended in the wider sphere were an agreement among Central Banks for the variation of reserve requirements so as to regulate the international price level, and for the introduction of sufficient flexibility into domestic monetary systems to render internal and international equilibrium mutually

[1] Rt. Hon. H. P. Macmillan (Chairman), Sir T. Allen, E. Bevin, Rt. Hon. Lord Bradbury, Hon. R. H. Brand, Professor T. E. Gregory, J. M. Keynes, Lennox B. Lee, Cecil Lubbock, Rt. Hon. R. McKenna, J. T. Walton Newbold, Sir W. Raine, J. Frater Taylor, A. A. G. Tullock.

[2] Cmd. 3897, 1931.

compatible, so that new investment (and income) might be maintained at a steady level in each country. In the shorter run, apart from reflationary measures by the co-operating Central Banks, a revival of foreign lending by the creditor countries was recommended, though it was recognized (and here was the weak point of the Report), that a revival of prosperity within them was first necessary.

Apart from these large-scale recommendations requiring international action, proposals for a thorough reform of the internal banking system were made, beginning with the thesis that, since the only possible gold drain was now a foreign, not an internal one, the note issue should be divorced from the gold reserve, which should be strengthened. No action in this direction has since been taken with regard to the note issue, but the establishment of the Exchange Equalization Account in 1932 was certainly a step towards making the reserve held against a foreign drain independent of that on which the currency was based. The Report, in fact, advised the Bank to keep a separate fund of liquid foreign resources. This part of its advice was particularly cogent since it had revealed for the first time that the foreign liabilities of London were almost twice the Bank's gold reserve—a revelation which created much alarm at the time, and caused heart-searchings on the part of many who had previously favoured the maintenance of the Gold Standard at all costs.

The Committee obediently advised against any open currency devaluation, though six of its members entered a separate recommendation for a combined import tariff and export subsidy to produce the same effect. The same members were strongly in favour of public works as an immediate depression policy. Apart from Lord Bradbury, all the members signed the main Report, however, and a number of other proposals for the reform of banking practice and for increased publicity were included in it. Of these, it may very well be said that the private institutions concerned accepted them to a large extent, but the Government did not. The reduction of "window dressing" by the clearing banks, the increase in the reserves kept with the Bank of England, and the subsequent increase in their true cash ratio accord with the Committee's advice, as does the great improvement of statis-

tical resources brought about by the publication of the Bank of England Statistical Summary. The foundation of Credit for Industry Ltd. in May 1934, too, seems a step towards the greater facilities for home industry for which the Committee had asked. The Government, however, beyond making a half-hearted claim that the calling of the World Economic Conference in 1933 was consistent with the spirit of the Report, simply allowed the recommendations to be forgotten.

There have been no more general inquiries into the causes of depression in the economic system. The Treasury decided, apparently, shortly after the immediate crisis of 1931 had been passed, that cheap money was the cure for some of the ills from which we had been suffering, and cheap money was certainly attainable in a country freed from the strain of adherence to the Gold Standard, and with a new special reserve fund available to meet the feared withdrawal of foreign assets. This policy, indeed, facilitated conversion as well as easing the financial difficulties of home industry, and the total Consolidated Fund Services—the "burden of unproductive debt" which had troubled those still unconvinced by the Colwyn Report—fell from £354 millions in 1931–2 to £260 millions in 1933–4. The Treasury, however, consulted no committees about its policy. Partly, no doubt, as with the Exchange Equalization Account, the reason was that rapid action and secrecy about the actual working of the policy were essential; partly it must have been that cheap money was a sufficiently popular measure to require no external authority for its introduction; but, perhaps most important of all, it seems to be true that the public had at last ceased to look back to a pre-War standard of prosperity and to ask why it was not being attained. It was recognized that a world depression existed, and that the industries whose troubles had given rise to most speculation ever since the War would quite clearly have to wait for world recovery. Even though the present evils made 1929 seem a golden year, there was at least no perplexing lag of British prosperity behind that of other countries. Hence, though the eight years of depression, recovery, and recession after 1931 had problems enough of their own, they did not see the Treasury impelled to launch any broad inquiry into the major economic

factors at work such as had been undertaken twice in the seven years before.

VII. THE STANDING COMMITTEES

The standing advisory committees which the Treasury from time to time appoints seem to be set up either on account of the special knowledge of their members, because of the judicial impartiality to which they can lay claim, or because of some special authority which they wield. In general, some combination of these qualities is the reason for delegating the work to them rather than to some official of the department; in some cases, however, the qualifications of the committee fall under one of the above heads rather than the others.

There is one case, for instance, where a committee acts for the Treasury with authority which is its own, and not derived, in general, from that of the responsible minister—a somewhat odd position from the constitutional point of view. This is the Foreign Transactions Advisory Committee, which was set up in April 1936, "to advise the Chancellor from time to time both upon the scope of the restriction (of foreign lending) and also upon particular applications." The position was that, in July 1932, the Chancellor had asked for a complete suspension of new issues during the Conversion of the War Loan, and that, when this suspension was relaxed, there continued to be an understanding that the Treasury's permission was required for all foreign issues and for optional conversions of trustee securities, while all new issues of trustee securities were made only after consultation with the Bank of England concerning amount and date. The setting up of the Foreign Transactions Advisory Committee was not intended to mark any change in policy, but only a systematization of the existing restriction. Four types of operation were to come under the Committee's scrutiny:

(i) Financing on behalf of foreign Governments and public authorities;
(ii) Offers of share or loan capital to the public which involve the remittance of funds outside the British Empire;
(iii) Offers involving such remittances made otherwise than to the

public, in respect of which permission to deal may be sought from the Stock Exchange; and

(iv) Acquisitions from foreign holders of large blocks of securities, including those dealt with on the Stock Exchange, with a view to sale here to the public or otherwise.

The factors which the Committee was to take into account were the general situation, particularly the strain on Sterling, the effect of the proposed loan on British trade, and any questions which might be at issue between the British Government and the country concerned. Thus, a full control on political and national grounds is intended, but there is no statutory power in the Treasury to exercise it. The good will of the City is relied upon, and it is therefore presumably of some importance that the Committee should be representative of the City in general. The Committee, in fact, under the chairmanship of Lord Kennet, consists of seven members, including the Deputy Governor of the Bank of England, and representatives of the merchant bankers, the joint stock banks, the insurance companies, the Stock Exchange, and heavy industry. No City institution can act against the wishes of such a body, and especially of the Bank.

The policy of the Treasury in this matter does in fact seem to have followed the general sentiment of the City very closely. Late in 1937 and early in 1938 there was a strong current of opinion in favour of less restricted foreign investment. It was felt that the decline in the value of foreign trade, then beginning, showed how completely we had failed to return to our pre-1929 position in this sphere, and this was perhaps connected with the fact that total overseas issues in the United Kingdom had reached only £26 millions in 1936, as compared with £143 millions in 1928; i.e. that the percentage of all issues made for overseas had sunk from 40 per cent to 12 per cent. Moreover, the position of the reserves, thanks to the Exchange Equalization Account, was infinitely stronger than in the previous slump, and there was no immediate fear of a crisis similar to that of 1931. Following this current of opinion, which may not have been entirely unconnected with the recent publication of the van Zeeland Report, the Chancellor announced at the beginning of February 1938 that, in view of "the present condition of the exchanges" and

his desire "to encourage a suitable expansion of international capital transactions," there was to be a relaxation of the restrictions on foreign lending of all but the first of the four kinds mentioned above, i.e. that additional facilities were to be given for British investment in foreign commercial enterprise and for the repatriation of British securities which had come into foreign hands. It is very difficult to see whether the change in policy has had any effect; new issues for overseas were higher in the first half of 1938 than in the previous half-year, but they later fell to a very low figure owing to the development of the international situation.

The Foreign Transactions Committee therefore shows a section of the public co-operating with the Government on as nearly equal terms as can ever be hoped for, since even the sanction behind the policy adopted is with the advisers rather than the advised. When the Treasury seeks advice from the City, it is usually on far narrower issues than these, the Committee being appointed, not to consider broad questions of the national interest and international policy, but only the commercial prospects (with, perhaps, some reference to wider effects) of particular projects. An admirable example of a committee set up primarily for its expert commercial knowledge, only secondarily for its reputation for impartiality, and hardly at all on account of any prestige which gives it natural executive power, is that appointed under the Trade Facilities Act of December 1921. The purpose of this Act was to enable new enterprise, which was calculated to promote increased employment in this country, to borrow more cheaply than was normally possible in that period of extremely high interest rates. The Committee's terms of reference were to advise the Treasury on guaranteeing "the interest and/or principal on loans to be applied for the carrying out of any capital undertaking, or for the purchase of articles other than munitions of war required for the purpose of such undertaking, provided that the application of the loan was calculated to promote employment in the United Kingdom."

The Committee consisted of three very eminent members, Sir Robert Kindersley, Sir George Schuster, and Lord Plender. The commitments into which they were allowed to enter were

at first limited to £25 millions, which limit they reached, all but 2¼ millions, in their first year's working. Their powers were extended by a further act in December 1922, to £50 millions and the circular issued in January 1923 defines the scope of their guarantees very closely. They were to guarantee debentures only, and were to restrict their consideration to new fixed capital; working capital and new issues for extinguishing existing liabilities not being eligible. The schemes thus helped were mostly quite small, the majority being less than £100,000, though there was one giant, a guarantee of £5 millions for the London Underground Railways, and another very large application (£6½ millions for the South Eastern and Chatham) which was later withdrawn. About a quarter of the money raised was for operations overseas. The total powers of the Committee were extended to £70 millions by the new Act of 1925, but it was stated in the 1926 Budget Speech that no further exension would be made after the current year, and the total £74·3 millions guaranteed by March 1927 was therefore not exceeded. In July 1929, however, it took over the duties of the Advisory Committee set up under the Development (Loan Guarantees and Grants) Act earlier in the same year, so that its activities were renewed for a time in the narrower field of Public Utilities. It was estimated in 1927 that the losses which the Government would have to bear to date did not exceed one or two hundred thousand pounds, but they proved in the succeeding depression to be fairly heavy. Thus, the Committee appears to have chosen schemes wisely in view of the conditions prevailing at the time, though it naturally could not foresee what happened after 1929.

It is interesting to note, however, that a different procedure has been adopted in connection with Government guarantees of interest to private industry in more recent years. The Treasury has never resumed a policy of helping small enterprise in this way, but, since 1936, has set up two very large companies of its own to re-lend to the railways—the London Electric Transport Finance Corporation, and the Railway Finance Corporation with £33 and £27 millions of guaranteed debentures respectively. The British Sugar Corporation, set up by the Sugar Industry Reorganization Act of 1935 has a Treasury guarantee for three-

quarters of a million pounds' worth of debentures, but is in a very peculiar position, since its dividends are in effect guaranteed already by virtue of the subsidy which the Sugar Commission allows it. It therefore seems that the Treasury did not find the wisdom of a committee an adequate safeguard in the hazardous business of guaranteeing the debentures of small enterprises.

Of an almost similar nature to the Trade Facilities Act Committee is that set up by the Special Areas (Amendment) Act of May 1937, to advise on the giving of loans from the Treasury fund then created to new private enterprises in the Special Areas, and to "Site Companies" and other new enterprises occupying sites leased to them by these, in certain other specified districts. The committee is part of a somewhat complicated mechanism which, regarded as a whole, is of extreme importance as being the first attempt by a department to control the location of private industry. The Special Areas Bill of 1934 set up a fund of £2 millions, to be managed by the Treasury, but to be devoted to the improvement of the Special Areas by the Commissioners, who were made responsible to the Minister of Labour. The Commissioners had, however, no power to subsidize private undertakings, nor those public enterprises for which a specific grant (as distinct from a block grant) was already available. A further £3 millions were later added to this fund, but Sir Malcolm Stewart, the Commissioner for England and Wales, voiced the very general opinion that the restrictions unduly limited his scope and by April 1937 opinion generally was certainly in favour of wider powers being given. Meanwhile, two further developments had taken place. In June 1936 there had been set up the Special Areas Reconstruction Association (S.A.R.A.), a company with privately subscribed capital created for the purpose of supplying funds to small enterprises starting or extending their scale in the Special Areas. The State makes a contribution towards its administrative expenses, and guarantees against about a quarter of the losses it may make. In December 1936 Lord Nuffield set up a fund of £2 millions for similar purposes, but which, unlike the other funds concerned, could subscribe to the share capital of enterprises. The 1937 Act took several steps in the direction of helping private industry in the Special Areas. In the first place, it put a

further £3½ millions at the disposal of the Commissioners and gave them power to let factories at economic rents to private enterprises; secondly, it gave them powers to grant relief in respect of rent, rates, and taxes such as would induce entrepreneurs to choose the Special Areas for their works; thirdly, it set up the Treasury Fund to make loans to them, and also to industrial Site Companies in other depressed areas (where there was no prospect of new enterprise being otherwise started), to which tenants might be attracted by the availability of loans from the Treasury Fund. The Advisory Committee which considers the disposition of this fund is therefore in a somewhat difficult position, and is instructed to work in the closest cooperation with the S.A.R.A. and the Nuffield Trustees, and, in the Certified Areas, the Site Companies concerned. The cooperation does, indeed, appear to be close. Up to January 1939, the Treasury Fund and S.A.R.A. had together made 109 loans totalling £19 millions, and the Nuffield Trust had lent to a very similar extent, though mostly as an ordinary shareholder.

These last two Treasury Committees require, as we have noted, commercial knowledge and acumen above all else. There is one case in particular, however, where a committee's reputation for judicial impartiality has to stand even higher than its technical qualifications—the Import Duties Advisory Committee.[1] The pressure of particular interests on the Central Government for fiscal protection is notoriously one of the most fertile sources of corruption in politics, and there were grave misgivings on these grounds (as well as on others) in many quarters when general protection was introduced in this country. There seems, however, to have been little uneasiness on this account since the Committee has actually been at work, the most strenuous opponents of the Government's policy admitting that it had at least chosen excellent advisers. These advisers, however, are paid officials, indistinguishable from Civil servants in every respect except that their tenure of office is not permanent.

The Committee's constitution is set out in the Import Duties Act of February 1932, according to which it is to consist of a chairman and "not less than two or more than five other members,"

[1] Cf. the account of its work in relation to the Board of Trade, pp. 137–38.

and is to be appointed for three years. Its duties are defined as follows: "When it appears to the Committee that an additional duty of customs ought to be charged in respect of goods of any class or description, which are chargeable with the general *ad valorem* duty, and which, in their opinion, are either articles of luxury, or articles of a kind which are being produced, or are likely within a reasonable time to be produced in the United Kingdom, in quantities which are substantial in relation to United Kingdom consumption, the Committee may recommend to the Treasury that an additional duty ought to be charged on goods of that class or description at such rate as is specified in the recommendation.

"In deciding what recommendations, if any, to make for the purposes of this Section, the Committee shall have regard to the advisability in the national interest of restricting imports into the United Kingdom, and the interests generally of the trade and industry in the United Kingdom including those of trades and industries which are consumers of the goods as well as those of trades and industries which are producers of the goods." The Treasury is not empowered to impose any duties without the Committee's recommendation, or to raise any duty above what is recommended. Duties are imposed or varied by Treasury Order, which may be vetoed by Parliament within twenty-eight days, but which comes into operation at once.

The Committee thus has enormous powers, especially as it can insist upon conditions in return for the grant of protection. The permanent staff which is attached to it has undertaken a most extensive survey of cost and profit statistics over almost the whole field of industry, and this gives it some basis from which to judge of the efficiency of the industries with which it is concerned, with a view to ensuring that protection does not become the source either of monopolistic exploitation or of gross inefficiency. To ensure this is, however, so gigantic a task that one may well be sceptical about the possibility of achieving it in the long run, the zeal and ability of the committee notwithstanding. The appointments, as mentioned above, were such as to raise hopes that all would be done in this direction that was humanly possible. The Chairman is Lord May, whose work

with the Prudential, the American Dollar Securities Committee, and the 1931 Committee on National Expenditure proved his ability; of the other original members one was well known as an economist before the War, and has since been Chief Economic Adviser to the Government, and the other was a barrister with a wide experience of Local Government finance and administration. These members' terms of office were twice renewed; but in the spring of 1939 the two other than the chairman were replaced, on the retirement of one (the economist) and the transfer of the other, by the former Secretary and another Civil servant. All the members except the Chairman are now, therefore, Civil servants by training.

No aspect of the Committee's work has been so important, or so strong a test of its usefulness, as its dealings with the Iron and Steel Industry. Here protection was granted, quite definitely in return for a promise of reorganization. For over two years nothing in this direction was accomplished, and until 1934 the $33\frac{1}{3}$ per cent duty on a wide range of iron and steel products was a temporary one, renewed as it expired. The Chairman of the Committee had, in fact, to threaten openly the imposition of terms of reorganization from outside before the industry produced in 1933 a draft constitution for itself, which embodied proposals for a fairly thorough centralization of control, though no detailed scheme of rationalization of plant was provided for. Even this scheme, approved, though with regrets that it was not more satisfactory, was very much reduced in scope and value by the opposition of large sections of the industry, and the constitution which was finally adopted by the National Federation in 1934 was, in the words of *The Times*, "a mere outline." This, however, served to satisfy the Committee so far that it made the tariff permanent. The real test of the part which the Committee is likely to play in the development of the British economy came in 1935, when the Iron and Steel Federation, then engaged in bargaining with the European Steel Cartel for import and export quotas, persuaded the Treasury to raise the duty temporarily to 50 per cent so that a satisfactory bargain might be struck. The situation for the Committee was certainly difficult, for imports to this country had increased rapidly, and the case for

special protection was as strong as such cases ever are. There seems ground to suspect, however, that by granting the Federation's request, the Treasury was deprived of the power it had formerly possessed (however inadequately it may have exerted it) to press for reorganization. Technical improvement in the iron and steel industry cannot be regarded as a cause which the Committee, in spite of its undoubted will to do so, has sensibly furthered; one may well fear that in the longer run it will be seen to have merely removed certain checks to the exploitation of the consumer. The powers given to the Committee, in fact, are such as only a dictator could effectively wield.

The Standing Committees which we have thus briefly examined seem to exemplify the main characteristics for the sake of which such bodies are appointed; they are also the most important which have advised the Treasury. It may be as well, however, to mention briefly the others which assist the department. The University Grants Committee was appointed in 1919 to "inquire into the financial needs of University Education in the United Kingdom, and to advise the Government as to the application of any grants that may be made by Parliament towards meeting them." It issues an annual report,[1] and may be classed as essentially an expert committee.

Of an even more clearly expert nature is the Standing Commission on Museums and Art Galleries, which was appointed in 1930 in accordance with a Royal Commission's recommendation,[2] to fulfil three separate functions. First, it was to "advise generally on questions relevant to the most effective development of the National Institutions as a whole, and to any special questions which may be referred to it from time to time." Secondly, it was to "promote co-operation between the National Institutions themselves, and between National and Provincial Institutions," and, thirdly (a duty which sets it somewhat apart from the other advisory committees we have considered), it was "to advise public benefactors." The Commission's purpose is largely one of co-ordination. Specialized expert advice is in any case available to particular institutions, such as the Science Museum and the Victoria and Albert Museum, which have separate advisory

[1] E.g. N.P.P. 70–152–0–36, 1937. [2] Cmd. 3401, 1929, and 3463, 1930.

committees (and are, in fact, under the Board of Education). The Trustees of the British Museum and the Natural History Museum are themselves, of course, an expert body. The Standing Commission, therefore, is concerned, not with the general technical direction of the various institutions but with the wider problems of harmonizing their general development, as well as any special questions which go beyond the jurisdiction of any single authority.

These, with the "borderline cases" discussed in Section II of this chapter, seem to exhaust the list.

VIII. CONCLUSION—SUMMARY AND TRENDS

The committees thus briefly described may be taken as illustrating the range, both of objects and of effectiveness, covered by the Treasury's advisory bodies. The most effective of all these bodies, it has been seen, was the May Committee, which was able to draw attention to a particularly alarming situation in addition to making recommendations for dealing with it; next, one might place the Geddes Committee, which was given a very clearly specified task to perform, and, of almost equal effectiveness (because their object was not so much reform as restoration), the earlier committees on currency. A step lower in the scale of effectiveness come the large committees on highly controversial subjects, such as the Royal Commission on Income Tax, and (one might add), the Royal Commission on the Civil Service, which made rather less drastic recommendations, though the effectiveness of those it did make was, probably, of about the same order as with the Income Tax Commission. A long way below these come the committees (such as the Macmillan and Colwyn Committees) which are given only general duties of diagnosis, especially when (as seems to have been the case with the latter in particular), they are set up owing to uneasiness which exists, primarily, in unofficial quarters.

Among the standing bodies, the most effective are, naturally, those (like the Foreign Investments Committee) whose members have very great prestige in the community with which their work is concerned, or those which, like the Import Duties

Advisory Committee or the Trade Facilities Committee, have to be given very drastic powers because they advise on policy which (since it brings benefits to important interests), is particularly liable to be suspected of partisan bias. Here, as with the non-standing bodies, it is the committees with the widest terms of reference, not confining them to recommending particular kinds of measure (such as the imposition of tariffs) which are least effective, as the unfortunate history of the Economic Advisory Council well illustrates.

Beyond the bearings which the terms of reference and circumstances of appointment or reporting have upon a committee's effectiveness, there seem to be few generalizations which one can make about the influences determining the success it achieves. The size of a committee is connected with the work it has to do rather than directly with its effectiveness. The most effective committees are frequently the small ones, not from any inherent merit of smallness, but because small groups of experts, or of men known for their independence, are generally appointed when the general lines of action are already decided upon, and advice is needed only on detail. On the other hand, large committees have to be appointed to secure the representation of all the interests concerned when general reviews of broad subjects are required, and in many such cases no action is thought to be necessary at the outset, so that only a particularly powerful report will produce any. There are cases, however, as we have seen, where even the modest degree of agreement reached by a large Royal Commission on a controversial subject results in legislation, since the Government is sometimes of the opinion that some reform is necessary, or perhaps is predisposed to the majority view about the direction it should take.

The question arises whether it is possible to detect any general trend towards or away from the use of advisory bodies, and, if so, what kinds are particularly affected. As regards the first part of the question, it may be helpful to divide the twenty-one year period of 1918–38 into four equal parts of 5¼ years each, and to notice that the numbers of non-standing Treasury committees (together with the three most relevant Royal Commissions) appointed in these periods were respectively 6, 9, 6, and 4.

This distribution seems to indicate a slight tendency to decrease the frequency of such appointments, while there certainly seems to have been a "peak" in the middle twenties. The numbers are not, however, sufficiently large to afford decisive evidence of any very notable changes. Of the standing committees, none (except the National Savings Committee, and Savings Banks Inspection Committee, which, as we have decided, are not primarily advisory) existed at the beginning of 1919; seven existed (five of them being still thoroughly active) at the beginning of 1939. There were only three standing committees appointed by the Treasury in the first half of the period, while six were appointed in the second half. There had certainly, therefore, been an increase in the use made of standing committees, and perhaps an increase in the readiness to appoint them. It would be too bold to say that the Treasury is turning from the use of non-standing to that of standing advisory bodies, and, in any case, the kinds of work done by the two types of body are quite different, but the trends of the last twenty years would not appear to be inconsistent with such a statement.

The personnel of Treasury committees is naturally drawn to a very large extent from the financial and commercial communities; the classifications of the members which have been given in connection with the committees dealt with in this chapter seem to show that care is taken to combine technical qualifications with a proper balance of conflicting interests where these arise. It appears, however, that there is a good deal of duplication—some members, either because of their qualifications or of their availability, have served on two or more committees. On nine of the most important non-standing committees dealt with here, with a total membership of ninety-nine, the total number of separate people serving was only eighty-seven, since there were eight members who served on two of them, and two (Professor Pigou and Lord Bradbury), who served on three. Of those who served twice on these committees, two (Lords Macmillan and Colwyn) acted as Chairman on both occasions. The non-standing committees, therefore, while very far from being a stage army, by no means infrequently make use of the same experts more than once. The standing committees do not share

their membership in this way, though they often embody members who have served on non-standing ones, the Economic Advisory Council, not unnaturally, having on it at least five members who had given their services to non-standing committees dealt with in this chapter.

It would be of little use to dwell here on the procedure of the committees. The standing ones naturally adopt the most various modes of working according to the nature of their subject-matter, some having to study the results of extensive calculations made in connection with applications put before them, while in other cases, judgment and discussion are the main parts of the committee's duty. Again, there is naturally a wide difference between the work of a committee which has (like that on Museums and Art Galleries, for instance), to undertake annual surveys of a large field on its own account, and one which, like that which advises on Trade Facilities grants, has simply to examine applications put before it. The non-standing bodies discussed here, on the other hand, have been mostly concerned with the hearing of oral evidence or the examination of written memoranda. Sometimes, as with the Royal Commission on the Civil Service, it is the practice to insist on memoranda being submitted by every witness, and this practice seems to have much to recommend it where numbers of conflicting points of view have to be taken into account, though one can see why it is not thought necessary by a committee such as that on Note Issues (1924–5), which consists of experts and has mainly to consult with other experts.

The point which must, however, strike any reader of the reports on the more controversial subjects is the immense number of organized bodies which come forward as interested parties to plead their cases. The Royal Commission on the Income Tax interviewed 187 witnesses, of whom no less than 167 represented the corporate opinions of various bodies; with the Colwyn Committee, the proportion was 34 out of 62, and with the Macmillan Committee 36 out of 57, though to this last body memoranda were presented by ("among others," as its report says) 15 organizations and 32 individuals. The Royal Commission on the Civil Service states that it examined 150 statements, including 23 from

official witnesses, 83 from Civil Service organizations, and 43 from other bodies of various kinds. The fact that the Treasury committees of the period have tapped the organized channels of opinion so thoroughly helps, of course, to explain why some of them have had such difficulty in producing agreed and effective reports, but it also gives some ground for hope that, besides securing expert advice, they have done something to strengthen the democratic control of government.

THE USE OF ADVISORY BODIES
BY THE
BOARD OF TRADE

by R. W. BALDWIN

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The Board of Trade is an old department. In its present form it dates from the Order-in-Council issued by the Ministry of William Pitt in 1786, but it is descended with only slight breaks from the series of Committees of the Privy Council for Trade and Plantations during the seventeenth and eighteenth centuries, which began with the Committee appointed in 1621 to "take into consideration the true causes of the delay of trade and scarcity of coin within this Kingdom and to consult of the means for removing these inconveniences." The functions of the Board of Trade were defined in very broad terms in the Order-in-Council of 1786 as "the consideration of all matters relating to trade and foreign plantations," of which, however, the care of foreign plantations has long since been taken over by the Colonial Office. In

effect at present the Board of Trade is concerned with all matters relating to trade and industry, except for those which have been specifically assigned to other departments—as the Factory Acts to the Home Office, labour questions to the Ministry of Labour in 1918, and internal transport and electricity to the Ministry of Transport in 1919. The Mines Department remains as a part of the Board of Trade, but it is largely an independent organization and is being dealt with separately in this survey.

The wide extent of the Board's duties, concerned with a large part of the economic life of the country in an age when the pace of economic development is constantly increasing, means that its functions and activities display great variety and often have little apparent interconnection. Certain main groups of work, however, can be distinguished. The Board's primary functions are twofold: the supervision of the country's external trade, and the regulation and, if necessary, assistance of industry and trade at home.

EXTERNAL TRADE

International trade is by definition the exchange of commodities between different countries, and, broadly speaking, the central question of policy in regard to such trade is the degree of liberty or restriction with which a country is to treat imports from other countries and which its own exports to those countries are in turn to receive.

Imports and General Policy

From about the middle of the nineteenth century to the War of 1914–18 the United Kingdom pursued a policy of free trade; with insignificant exceptions duties were imposed only for the sake of revenue. But this policy, however axiomatic it appeared to the majority of British people in the great age of expanding British trade, had not been accepted with the same enthusiasm in other countries, and even in the United Kingdom, with the growing competition from Germany and elsewhere at the end of the nineteenth century, a movement in favour of protection was increasing in influence. Then the War came, and with it, in due

course, import and export control, which rendered the tariff question completely academic for the time.

The Four Years' War, however, revealed one outstanding defect of the free trade system when pursued without qualification. Virtually cut off from German supplies, the country found itself unable to obtain some of the essential products required for important branches of industrial production, and particularly the dyestuffs used in large quantities by the textile trades. Urgent measures were taken in the War years to develop production in the United Kingdom capable of satisfying these needs, and by one means and another the crisis was surmounted. But the lesson of this experience was obvious, and the Departmental Committeee appointed by the Board of Trade to consider the position of the Textile Trades after the War recommended, in its report[1] issued in 1918 that "steps should be taken by His Majesty's Government to co-ordinate the operation of the principal manufacturers of dyestuffs," and that "the importation of foreign dyes should be prohibited except under licence, to be issued by an independent authority, whose duty it would be, while fostering the growth and maintenance of the colour producing industry, to safeguard the interests of colour-users by means of the control it would exercise over the admission or exclusion of foreign dyestuffs."

This view was accepted by the Government, and in February 1919 the Prohibition of Imports Proclamation was issued, and at the same time a committee was appointed to consider applications for licences to import all synthetic dyestuffs and intermediate coal tar products; but at the end of 1919 a judgment by Lord Sankey declared the prohibition to be invalid. Some delay ensued, but in December 1920 the Dyestuffs (Import Regulation) Act was passed. Under the Act, which came into force on the 15th January, 1921, the importation into the United Kingdom of all synthetic organic dyestuffs, colours and colouring matters, and all organic intermediate products used in the manufacture of such dyestuffs, colours and colouring matters, was prohibited for ten years, except under licence granted by the Board of Trade on the advice of the Dyestuffs Advisory Licensing Committee. This Committee consisted of five representatives of the colour-using

[1] Cd. 9070.

industries, three representatives of the dye-manufacturing industries, and three independent persons of whom one was Chairman. Broadly two sets of circumstances constituted grounds for the granting of licences, either the lack of a British equivalent, or the fact that the price of the British equivalent was higher than that of the foreign materials, but in the latter case there were safeguards for the British makers. The Committee appointed a technical sub-committee to assist them in the compilation of "non-contentious" lists of dyestuffs, none of which were manufactured in the United Kingdom.

The Dyestuffs (Import Regulation) Act also provided for the establishment of a Dyestuffs Industries Development Committee to advise the Board of Trade "with respect to the efficient and economical development of the dyemaking industry." The constitution of the Committee was similar to that of the Dyestuffs Advisory Licensing Committee, consisting of dye-makers, dye-users and independent persons. In July 1930, seven months before the Act was due to expire, the Development Committee made a report[1] to the President of the Board of Trade on the position of the industry at that time compared with its position when the Act was passed in 1920. The Committee reported that the dyestuffs industry was in a much more satisfactory condition than at the time of the passing of the Act, and that the protection afforded by the Act had given British manufacturers the necessary confidence to develop their works and had enabled them to bring down their costs of production to the lowest economic level. There was, however, a difference of view about the desirability of continuing the Act in force. The colour-users said the Act was passed for ten years and no longer, whereas the colour-makers maintained that their increased efficiency during the preceding years warranted an extension of the Act which would enable them to complete their work. The Committee consequently reported that it was to the interest of all parties concerned, namely the Government, the dye-users and the dye-makers, to continue to consider the problem in the same spirit of co-operation that had marked the period of operation of the Act, and together to agree, if possible, first whether any further

[1] Cmd. 3658.

assistance to the industry was necessary, and if so as to the form which that assistance should take.

The Act was continued in force from year to year by the Expiring Laws (Continuance) Acts and meanwhile, in October 1932, the Development Committee made a further report[1] reviewing the progress of the industry since their report of 1930. The Committee found that the Act was achieving its main objects, and that without it the progress of the dye-making industry in the United Kingdom would be impeded, and they recommended therefore that the Act should be continued on the existing basis for a further period of three years. A minority report, however, was made by the representatives of the Colour Users' Association to the effect that the purpose of the Act, which was to create a substantial dye-making industry in the United Kingdom, had already been achieved, and recommending that the Act should be allowed to lapse. In view of the difference of opinion on the Committee the Government referred the question to the Import Duties Advisory Committee, asking them to consider the position that would arise on the expiry of the Act, and in particular to advise whether the interests of trade and industry in the United Kingdom, including those of users as well as of makers, would be best served by the continuance of the Act, and if so for what period and under what conditions, or by its discontinuance, and in the latter case, what tariff policy for dyestuffs the Committee would recommend.

The Committee reported in July 1933[2] their very definite conclusion that the general policy embodied in the Act should be continued and that no time limit should be imposed for its termination. They proposed certain modifications of the existing duties and lists of goods liable to duty, and also recommended that complaints by colour-users of exploitation by the manufacturers should be referred to the Import Duties Advisory Committee themselves for investigation. They thought that the existing procedure of issuing licences on the advice of the Dyestuffs Advisory Licensing Committee should be continued and that the Dyestuffs Import Duties Committee should also be maintained, but that its constitution should be slightly varied.

[1] Cmd. 4191. [2] Cmd. 4411.

The members of the Advisory Licensing Committee should be *ex officio* members of the Development Committee and they should be assisted by persons representative of the textile industries, of the heavy chemical industry, of chemical science, and the Departments of State interested. The chairmanship of the two Committees should be held by the same person.

These recommendations were accepted by the Government and given legal force by the passing of the Dyestuffs (Import Regulation) Act, 1934.

The remainder of the goods in respect of which the War of 1914–18 had shown the dangers of excessive dependence upon foreign, and especially potentially hostile, sources of supply, were dealt with rather differently by the Safeguarding of Industries Act, passed in 1921. Part I of the Act imposed a duty of $33\frac{1}{3}$ per cent *ad valorem* on all imports, except from Empire countries, in a list of "key" products, chiefly synthetic organic chemicals, optical glassware, and scientific precision instruments, for a period of five years from the passing of the Act. In 1926, shortly before Part I of the Act was due to expire, a Committee of four, under the chairmanship of Sir Burton Chadwick, M.P., was appointed by the President of the Board of Trade to inquire into the effect of Part I of the Act upon the development of the industries concerned, and the desirability or otherwise of an extension of the "key industry" duties for a further period. The Committee reported[1] that the duties should be continued, with an increase of the rate of duty in certain cases, and the inclusion of a few other goods among those subject to duty, but that the Treasury should be given power to exempt from duty for a specified period goods of which the Board of Trade were satisfied there was no substantial production in the United Kingdom or likelihood of production in the near future. The Government accepted these recommendations of the Committee and put them into effect by section ten of the Finance Act 1926, which extended the Safeguarding of Industry duties for a period of ten years.

When this extension was about to expire in 1936, another Committee of four was appointed by the President to consider whether, in the interests of Imperial defence and having regard

[1] Cmd. 2631.

to the provisions of the Import Duties Act, the duties should be further extended, and if so at what rates and whether any other goods should be brought within their scope. The Committee found[1] that the duties had led to a great increase in the output of protected goods, that prices had been reduced and even a considerable export trade built up, and that several new industries had been established and developed in consequence. They recommended therefore that the duties should be renewed again for a period of ten years, with certain modifications and extensions and a provision for reference to the Import Duties Advisory Committee of applications for increases in, or changes of, the duties. Those recommendations were put into effect by section five of the Finance Act, 1936.

Besides the safeguarding of "key" industries, however, the Safeguarding of Industries Act, 1921, also contained provisions for the prevention of the dumping of foreign goods in the United Kingdom. Part II of the Act provided that if it appeared to the Board of Trade that imported goods of any description were being sold in the United Kingdom at prices below the cost of production (determined in accordance with specified rules) in the country of origin, or at prices which owing to the depreciation of the currency of the country of manufacture by $33\frac{1}{3}$ per cent or more from the par value were below the prices at which similar goods could be profitably manufactured in the United Kingdom, and that by reason of such importation employment in the United Kingdom was being diminished, then the Board might refer the matter for inquiry to a committee specially constituted for the purpose. The Committee consisted of five persons selected by the President of the Board of Trade from a permanent panel of persons appointed by him who were mainly persons of commercial and industrial experience. Any person whose interests might be materially affected was not eligible for selection as a member. The Committee had to investigate the facts, including the efficiency of the British industries concerned, and also report on the probable effects of the imposition of a duty on employment in other industries using the goods in question as raw material. If the Committee reported that all the conditions were satisfied,

[1] Cmd. 5157.

then, subject to the approval of the House of Commons, a duty of 33⅓ per cent *ad valorem* might be imposed on goods of the kind in question imported from the offending country. No such order could be made, however, which was at variance with any treaty, convention or engagement with any foreign State in force for the time being and no order made on grounds of currency depreciation was to remain in force after a period of three years from the passing of the Act. Fourteen applications were referred to the Committee under these provisions and in five cases, all based on the depreciation of the German currency, duties were imposed, in August and October 1922. They came to an end in August 1924, three years after the date of the Act.

In the general election campaign in the autumn of 1924 the Conservative party undertook that proposals for a general tariff would not again be submitted except upon clear evidence that the public attitude had changed, but they expressed the intention of dealing as far as practicable with industries suffering from unfair foreign competition arising from depreciated currencies, from lower wages and other standards of life, by some means analogous to that of the Safeguarding of Industries Act, by which special measures could be taken to deal with special cases after due inquiry and consideration. In February 1925 a White Paper[1] was issued specifying the procedure which had been fixed for giving effect to this policy. The conditions prescribed included subsidies and inferior conditions of labour, in addition to the depreciation of currency, as factors which might be considered to justify the imposition of a duty.

As in the procedure under the Act, if the Board of Trade thought that a *prima facie* case had been made out, the claim was referred for inquiry to a committee. If the Committee recommended a duty, the Government might lay their proposals before Parliament in a Finance Bill. These duties would apply, not as before, to goods of a particular country but equally to imports from all countries. A number of cases were referred to committees in the course of the next few years, and in a few cases duties were imposed. Meanwhile the anti-dumping provisions of the Safeguarding of Industries Act (other than those

[1] Cmd. 2327.

relating to currency depreciation) continued nominally in force. No duties, however, were imposed under those provisions, the only two inquiries held yielding negative results, and Part II of the Safeguarding of Industries Act was finally repealed by section five of the Finance Act, 1930.

So much for the import policy of the United Kingdom, and the place of advisory committees in its determination and execution, in relation to certain particular classes of goods which on one ground or another it was decided to protect. Apart from the McKenna duties, the dyestuffs import regulation system and the "key industry" and Safeguarding of Industry duties constituted the only departures from free trade principles during the period from the War to the economic crisis of 1931. Throughout this period, however, at least until the comparative prosperity of 1929, the economic position of the United Kingdom was in a measure unsatisfactory. Unemployment persisted at a high level, especially in the export industries, and the balance of trade remained much more adverse than in pre-War years. The continuance of these conditions for years after the War led to the appointment by the Prime Minister of the Labour Government of 1924, on the advice of the President of the Board of Trade, of the Committee on Industry and Trade. The Committee, under the chairmanship of Sir Arthur Balfour (later Lord Riverdale), included manufacturers representative of the staple British industries, economists, and labour and trade union representatives. They were directed to inquire into and report upon the conditions and prospects of British industry and commerce, with special reference to the export trade, and to make recommendations in regard thereto. They were furnished with a Memorandum intended to explain the subjects on which investigation was specially desired.

"The first question to which the attention of the Committee should be directed is the present position of Britain's overseas trade and the prospect of Britain's participation in the markets of the world being such as to ensure sufficient and continuous employment and a satisfactory standard of living in this country. The examination of tendencies and developments in the markets of the world and also in the chief competing countries will be involved, together with an inquiry into the growth of competition with British goods in these markets, the likelihood of its continuance, and its probable consequences.

The second question is the ability of British industry to meet competition under the conditions thus determined and to adapt itself to changes in the nature of overseas demand. This involves an inquiry into British production capacity and organization, including the supply and efficiency of capital, labour, and management, the present and future adequacy of raw materials and possible improvements in their utilization, and the part played by the United Kingdom in new developments of industries, particularly those which are the outcome of scientific research. Matters to which attention might be directed are the present extent of large-scale production, its possibilities and limitations, the efficiency of plant and equipment, power supply and transport as factors in cost of production, marketing organization at home and abroad, and the current methods of industrial and commercial finance. It will be necessary, in addition, to take account of the effect of State regulation action upon costs and output.

The third question is that of the relations between those engaged in production. This will involve inquiry into methods of industrial remuneration, the main causes of unrest and disputes, and the methods of avoidance or settlement of disputes, as, for example, co-partnerships, co-operation, Wages Boards and voluntary arbitration, State regulation of wages, and compulsory arbitration and compulsory enforcement and extension of agreements."

It will be seen that the Committee's terms of reference covered British trade and industry in all its aspects, and included important subjects, such as finance, labour conditions, and fuel, power, and transport facilities, which were the concern of departments other than the Board of Trade. The Committee sat for four and a half years, and during that time they produced six interim reports and a final report. The first report, *Survey of Overseas Markets*, published in 1926, was in answer to the first of the three questions put to them in the Memorandum, and in the same year they issued another interim report, *Survey of Industrial Relations*, in answer to the third question in the Memorandum. The second question, regarding the organization and efficiency of British industries, was dealt with in four reports issued in 1927 and 1928, *Factors in Industrial and Commercial Efficiency* (1927), *Further Factors in Industrial and Commercial Efficiency* (1928), *Survey of Textile Industries* (1928), and *Survey of Metal Industries* (1928). The final[1] report of the Committee, issued in 1929, reviewed all the ground covered by the interim reports and gave

[1] Cmd. 3282.

uch recommendations as the Committee found themselves able o make. This report, however, was not unanimous, as seven of he members signed a separate memorandum in which, while f course agreeing on the questions of fact, they expressed their omplete disagreement with the Committee's conclusions. Whereas the recommendations of the main Committee, however umerous and valuable in detail, advocated no drastic change in he ownership, organization, and conduct of British industry, the inority members, mainly representing labour organizations, ere convinced that the situation called for a thorough policy of organization of industry on the initiative of the State. "To us ose facts, and the manifold difficulties in which the trade and dustry of Great Britain are to-day involved, all from their arying angles, indicate the inadequacy of Capitalism, as we ave known it, and the progress of a change going on in social d economic organization—a change from a predominantly dividualistic to a predominantly social type. . . . We hold that e State, deeply concerned as it must be, ought to supervise the construction process. . . ."

The value of the Committee's work probably lay less in the nclusions enunciated in their final report than in the immense lume of information they had placed on record in their previous blications. Most of their recommendations were directed to e business world, and though in their emphasis upon empirical idence they paid perhaps too little regard to the value of eoretic analysis, they had discussed in such detail all the diffilties confronting British trade and industry, and had weighed the relative merits of different suggestions for improvement th such thoroughness, that manufacturers and traders could arcely fail to find in this conspectus of their industries and their oblems valuable suggestions for the future guidance of their licy.

Soon after the Balfour Committee had completed its labours, e economic position of the country, which in 1929 had been atively prosperous, rapidly worsened again, as first the United ates and then the rest of the world sank into the economic pression of 1930–2. Exports fell off disastrously, and the mpetition of imports in the home market was intensified.

From these and other causes the change from a free trade to a protectionist system, which ever since the War had been gaining adherents, was finally precipitated. Two years earlier the Balfour Committee had shown themselves still on the whole opposed to this drastic reversal of an eighty years' policy, but it would be difficult to infer *simpliciter* from this that the Government rejected their most important recommendation. The developments of the intervening years were not foreseen by the Committee, and what was good policy in 1929 might have ceased to be so in 1931. Nevertheless, the fact remains that in deciding upon the most far-reaching economic change since the middle of the last century the Government neither sought nor acted upon the advice of an advisory committee.

If, then, advisory committees had no place in the determination of this tariff policy, did they have any function to perform in its execution? The Import Duties Act, 1932, which fixed the outline of the new system, provided for the creation of an Import Duties Advisory Committee[1] to receive and consider applications for the imposition upon particular classes of goods of duties additional to the general duty of 10 per cent *ad valorem* or for their exemption from that duty. The Committee consisted of a chairman, Lord May, who had been Chairman of the Economy Committee of 1931, and two members, Sir Sydney Chapman, an economist by training who had been Permanent Secretary of the Board of Trade from 1920 to 1927, and Sir Allan Powell, a barrister who had held positions under the London County Council, and been Chairman of the Food Council from 1929 to 1932. This Committee cannot be regarded as an advisory committee of the normal kind. It was appointed in order to remove the determination of the details of tariff policy away from political influence, by the device of referring the whole subject to an independent authority not responsible to a minister and Parliament. The Chairman and members of the Committees held salaried appointments, and they were assisted by a numerous staff of permanent Civil servants. In fact, in all respects except

[1] For other aspects of the work of the Import Duties Advisory Committee, see pp. 117-18.

that of ministerial responsibility they were an ordinary, if small, Government Department.

In consequence of the introduction of tariff reform the sections of the Board of Trade concerned with commercial relations with other countries found their functions multiplied manifold. The tariff was a weapon which made it desirable for the countries from whom we imported to conclude reciprocal trade agreements; in 1932 the Ottawa Agreements were signed and thereafter a succession of trade agreements with foreign countries. There is, however, no place for advisory committees in the work of the Commercial Relations and Treaties Department, for reasons which are not far to seek. In the first place, the nature of the work is not such as to admit of consultation with committees of persons outside the Civil Service. Much of it is routine business arising from the operation of commercial treaties, trade agreements, or clearing or payments agreements; in sum a considerable volume of British trade is involved, but the reference to an advisory committee of the multitude of detailed problems, which involve constant communication through the Foreign Office and Dominions Office, or direct, with the British Embassies, Legations and High Commissioners abroad, would be quite impracticable. On the other hand, much of the work involves questions of policy, sometimes high political policy, in the determination of which the department closely collaborates with the Foreign Office. In questions of this nature it would be as inappropriate to consult an advisory committee as it would for the Foreign Office to consult committees in determining questions of foreign policy proper. The Government cannot refer to a committee for advice the question whether or not to conclude an alliance with some foreign Power, and the position is much the same with regard to the question of denouncing a commercial treaty or imposing a clearing.

In the second place, the scope of advisory committees is relative to the *milieu* in which the Government work. The more unorganized the activities which have to be regulated or assisted, the greater the need for establishing advisory committees to consider and report to the Government the circumstances in which they propose to act, and vice versa the greater the degree of

organization the less need for the Government to create fresh organizations to advise it. The Board of Trade's work for the most part lies with British trade and industry as it is represented by the owners and administrators of the business world, and these interests are already largely organized in associations of particular trades and wider organizations covering industry as a whole. Almost every trade has its own trade association and every town its Chamber of Commerce, and above these there are the Federation of British Industries, the National Union of Manufacturers, the Association of British Chambers of Commerce, and other analogous bodies. Whenever the Board need information they can and do go direct to the interests concerned, represented by the appropriate organization, and obtain the information required from the quickest and most authoritative source. Thus in assembling data for trade negotiations it is customary for the Board to consult the Federation of British Industries and the Association of British Chambers of Commerce, and also the particular trade associations which are likely to be affected by the proposed agreement.

There have indeed frequently been suggestions that in addition to consulting trade interests in this way the Board should also form an advisory panel of business men to assist in the actual conduct of negotiations, and on two occasions the experiment has actually been made. In 1932 a number of business men were associated with the delegation that negotiated the Ottawa trade agreements, and later, following the Debts Clearing Offices and Import Restrictions Act, 1934, the President appointed the Bankers and Traders Advisory Committee on Clearings. The latter Committee, however, was very seldom called together, and in general the Board have declined to adopt this policy precisely because they already have in the trade associations sources of all the information they require, and an advisory committee can only be selected from the same source. Moreover, such a committee must be exceedingly large if it is to be sufficiently comprehensive, and in any case it must be difficult, and invidious, for industrial representatives to advise upon the claims of particular industries to receive protection in the home market or assistance in foreign ones. This task of weighing in the balance the

respective claims of industries and of discriminating between one and another can only be performed by the Government itself. It is noteworthy that in their final report (page 29) the Balfour Committee came to the same conclusion.

"It has been suggested to us in evidence that standing committees of commercial experts should be constituted both at home and in the principal commercial countries to advise the Board of Trade and the heads of British oversea missions respectively with regard to any commercial negotiations with which they may be concerned. After very careful consideration we are not able to endorse either of these recommendations. We believe that the interests of British industry and trade are more likely to be well served by consultation between the Board of Trade and trade experts, selected *ad hoc* for their special knowledge of each particular commercial problem, than by consultation with a standing committee the members of which, however eminent and carefully chosen, could not possess that first hand, detailed, and up-to-date knowledge of each problem referred to them which is essential to the successful conduct of a commercial negotiation. No doubt a standing advisory committee could apply to the trades for data which were not within the personal knowledge of its members, but experience shows that traders are sometimes less willing to furnish confidential information about their business to a committee of traders than directly to a Government Department."

There has indeed been one committee appointed in connection with commercial negotiations, but it is the exception that proves the rule. It was not a committee to advise the Government on the conduct of negotiations, but was itself established under the terms of a commercial agreement as a joint committee responsible to the two contracting parties. The constant friction in Argentina between the cattle producers and the packing companies who controlled the export of meat to the United Kingdom had been for many years a source of serious political controversy, and the Argentine Government therefore took the opportunity of the conclusion of the trade and commercial Agreement with the United Kingdom in May 1933 to secure a final and exhaustive analysis of the financial structure of the trade. Paragraph 2 of

the Protocol to the Agreement records a declaration "that the Government of the United Kingdom are prepared to co-operate with the Argentine Government in a joint inquiry into the economic and financial structure of the meat trade, with particular reference to the means to be adopted to ensure a reasonable return to the cattle producers." The Joint Committee of Inquiry, which was appointed in June 1935, consisted of a Chairman, Sir George Schuster, appointed by both Governments, together with three members nominated by the British Government and three nominated by the Argentine Government. At an early stage of the inquiry, as much of the evidence necessary for the investigation into the economic and financial structure of the trade had to be collected in Argentina, a Sub-Committee in Argentina was appointed to investigate the conditions of the trade from the production of the livestock up to the shipment of the product. The inquiry was greatly protracted, and met with considerable difficulties through the reluctance of most of the importing companies to give facilities to collect evidence. The Report,[1] signed in April 1938, gave a general survey of the structure and recent history of the trade, and examined in such detail as was possible the financial and economic aspects of the various operations involved. The Committee drew attention to the concentration of the importing trade in the hands of a small group of powerful companies, and to the fact that the market in cattle suitable for chilling had been predominantly a "buyers" market; and to meet these two factors, they made suggestions of safeguards to secure that the packing companies made no more than a reasonable profit, and recommended that steps should be taken to maintain adjustment between production and effective demand.

Before leaving the general subject of import control two other Acts must be mentioned in which advisory committees are involved. The first was the Importation of Plumage (Prohibition) Act, 1921, a short Act passed to prohibit the importation of plumage except under licence from the Board of Trade. A Schedule was annexed to the Act of species of birds whose plumage was excepted from the import prohibition, and the

[1] Cmd. 5839.

Act provided that further species might be added to this Schedule on the recommendation of an advisory committee appointed for the purpose. The Committee consisted of an independent chairman, two experts in ornithology, three experts in the feather trade and four other members. In the early years after the passing of the Act the Committee dealt with a variety of applications, and a number of species were added to the Schedule on their recommendation.

The second Act is the Merchandise Marks Act, 1926. This Act was largely based on the recommendations of the Merchandise Marks Committee, which was appointed in 1919 to consider, *inter alia*, whether any extension of the Merchandise Marks Act, 1887, was required in respect of the provisions relating to indications of origin. The Committee recommended in June 1920[1] that power should be given to order the compulsory marking of particular classes of goods with indications of origin where inquiry had shown that such an order would be in the public interest. This was put into effect by the Merchandise Marks Act, 1926, which, in order to assist purchasers to distinguish goods produced at home from those imported, provides that after inquiry by an advisory committee appointed for the purpose the competent department may obtain an Order in Council requiring imported goods of descriptions specified to bear an indication of origin when exposed for sale, and also, if the committee recommend, on importation. An application for an order must have been made by persons in the opinion of the department concerned substantially representing the interests of either manufacturers, producers, dealers, traders, users or consumers, or of a body of wage-earners.

The committees appointed under the Act were two standing committees, of which one (under the Ministry of Agriculture and Fisheries) is concerned with inquiries relating to agricultural and horticultural produce and the produce of the fishing industry. The non-agricultural committee consists of a chairman, and two other members, all of whom are persons independent of trade interests. Since the formation of the Committee in 1927, the Chairman has been Sir Hubert Llewellyn Smith, who was Per-

[1] Cmd. 760.

manent Secretary of the Board of Trade from 1907 to 1919 and Chief Economic Adviser to the Government from 1919 to 1927. The Act provides that before any proceedings are taken on a report made by the Committee the report shall be published and a copy laid before each House of Parliament. The Committee has dealt with a large number of applications, reports on which have been published in due course as command papers. There is nothing in the Act to require the Board of Trade to act upon the recommendations of the Committee, but in fact their reports have usually been accepted and Orders in Council obtained where the Committee recommended.

Exports

So much for the treatment of imports into the United Kingdom during this period. On the opposite side, exports, the scope of Government policy is naturally more restricted, since in general it must be confined to rendering such assistance as may be possible through diplomatic channels, or by the conclusion of commercial treaties and trade or clearing agreements. The special difficulties, however, of exporting in the years immediately following the Armistice gave rise to the institution of a system of granting credits or credit insurance to British exporters which has since been greatly developed. This business is conducted by a specialized sub-department, the Export Credits Guarantee Department, under powers conferred by successive Acts of Parliament from 1920 to 1939. The nature of the assistance offered to exporters has been changed on several occasions. A committee was appointed in 1925 and another, consisting of Sir Otto Niemeyer, Sir Sidney Peel and Lord Plender in 1929, by the Secretary of the Department of Overseas Trade, to consider the operation of the existing schemes; and their chief recommendations in each case were accepted and put into effect.

In all the schemes, from the first to the latest, adopted in 1930, an Advisory Committee (now called the Advisory Council) has played an important part. Every transaction undertaken by the Department has to be approved at some stage by the Advisory Council. This is a statutory body of bankers, business men, manufacturers, and insurance experts, and its members bring to the

department's work a wide variety of banking and business experience. With the Council's assistance the department has come to guarantee a very considerable volume of export business. During the year ended March 31, 1938, the total amount of its contracts, policies, and guarantees was approximately £43 million, and by the Export Guarantees Act, 1939, the aggregate amount of the guarantees which might at any time be outstanding was raised from £50 million to £75 million.

REGULATION AND ASSISTANCE OF TRADE AND INDUSTRY

Closely connected with, though distinguishable from, their functions with regard to international trade, the Board of Trade have also the function of regulating or of assisting British industries, whenever circumstances make Government intervention desirable. Apart from the Factory Acts and the labour legislation, which are the concern of other departments, all public and private companies are of course regulated in certain particulars by the Companies Acts; but company legislation is a rather special subject which will be treated separately below. In addition, however, to this formal control of companies as such, there has been Government intervention of a more positive kind. The circumstances of industrial development and change, the particular difficulties experienced by particular industries from time to time, or abuses which have arisen or are apprehended, have called for assistance or interference in one way or another on frequent occasions during the period under review, and in most cases the Government's action has involved the use of advisory committees.

Some of the industries, notably agriculture, internal transport, electricity supply, and mining, which present rather special or complex problems, fall outside the scope of the Board of Trade. (The Mines Department is a distinct organization, although the Secretary for Mines is responsible to the President of the Board of Trade.) The remainder, however, which comprise the great bulk of British industrial and commercial activity, are the proper concern of the Board of Trade. Among these, Government action involving advisory committees has been taken in connection with

the shipping, gas, cinematograph films and cotton industries. In addition, the Board have sought the advice of committees in the fulfilment of their responsibility for the promotion of industrial art—the element of design which enters in greater or less degree into all the products of industry—and for the protection of the interests of consumers, when these seemed to be damaged by unreasonable trade practices.

Mercantile Marine

Government intervention in the British mercantile marine goes back long before the Industrial Revolution, and although the old Navigation Laws were repealed in the second quarter of the nineteenth century, the same period brought also the beginnings of a new body of marine legislation. By 1850 this had become sufficiently important to justify the creation of a distinct sub-department, the Marine Department, in the Board of Trade. The scope of its activities was steadily extended, until in 1916 it was separated from the Board, as the nucleus of the War-time Ministry of Shipping. (The same separation has taken place in the present war.) After the War it returned as a sub-department of the Board, its name being changed in 1921 to the "Mercantile Marine Department."

The main functions of the department in the period under review were to administer the Merchant Shipping Acts, the Coastguard Act 1925, and the tramp shipping subsidy Acts, to provide sea transport to meet the needs of the Defence Services and other Government Departments, and to watch over the interests of the British mercantile marine and initiate action where necessary to safeguard those interests at home or abroad. A number of advisory committees assisted the department in its work.

The Imperial Shipping Committee is not properly speaking an advisory committee of the Board of Trade, but it is appointed by the Governments of the constituent parts of the British Empire as an inter-Imperial committee to advise them on shipping questions of common interest. Nevertheless, it must be considered among Board of Trade committees, since one of the Governments appointing the committee is the Government of the United

Kingdom, and the department of the United Kingdom Government concerned with the subject-matter of the committee is the Board of Trade. Moreover, the Secretary of the Committee, which meets in London, has normally been an officer of the Mercantile Marine Department.

The Committee arose from a resolution passed by the Imperial War Conference of 1918 that in order to maintain the connections and encourage commercial relations between the different countries of the Empire an inter-Imperial board should be set up on which the Governments of the United Kingdom, the Dominions and the Dependencies should be represented and which should include also persons with expert knowledge of the problems involved. Negotiation between the several Governments followed, and in June 1920 the instrument of appointment was signed by the Prime Minister of the United Kingdom. The terms of reference of the Committee were "(i) to inquire into complaints from persons or bodies interested with regard to ocean freights, facilities and conditions in the inter-Imperial trade, or questions of a similar nature referred to them by any of the nominating authorities, and to report their conclusions to the Governments concerned, and (ii) to survey the facilities for maritime transport on such routes as appear to them to be necessary for trade within the Empire, and to make recommendations to the proper authority for the co-ordination and improvement of such facilities with regard to the type, size and speed of ships, depth of water in docks and channels, construction of harbour work and similar matters." Successive Imperial Conferences in 1921, 1923, 1926, 1930, and 1933 have expressed their appreciation of the Committee's work and reaffirmed the decision to maintain it substantially in its existing form. Its terms of reference were widened by the Conference of 1930 so as to include consideration of facilities for inter-Imperial air transport, and the Imperial character of the Committee was emphasized, as a result of the recommendations of the Imperial Committee on Economic Consultation and Co-operation in 1933, by certain changes in the form of appointment to the Committee of the Dominion representatives and the defraying of the Committee's expenses.

The Committee consists of a Chairman, neither representing

any one part of the Empire nor having any interest in shipping or commerce such as might prejudice his impartiality, representatives of the Governments of the United Kingdom, of each of the Dominions and India, a representative of the Colonies and Protectorates, five persons having experience in shipping and commerce (of whom two are usually shipowners), and a representative, added in 1930, of civil aviation.

In the early years after its appointment the Committee was mainly occupied by the first of its duties, the examination of complaints, and before it had time to turn to a general survey of shipping facilities under the second part of its terms of reference a practice had grown up for Governments and other responsible authorities to consult the Committee regarding proposed schemes for the development of Empire ports and other improvements in Empire shipping facilities. These separate investigations have in course of time traversed most of the ground that would have been covered in a general systematic survey. The Committee has considered a large number and great variety of complaints and questions submitted to it, some of which have been settled by the Chairman acting for the Committee, and others by sub-committees appointed *ad hoc*. Many of their reports have been published as Command Papers, and summaries of their activities have been issued in 1923,[1] 1926,[2] 1930,[3] 1933,[4] and 1937.

In addition to the Imperial Shipping Committee, to which, of course only questions concerning more than one part of the Empire could be referred, the Board of Trade had another standing advisory committee for shipping matters. The Merchant Shipping Advisory Committee was a standing committee of representatives of all the shipping interests—shipowners, underwriters, naval architects, classification societies, deck officers, engineers, seamen, pilots and wireless telegraph operators. It was appointed under the Merchant Shipping Act, 1906, "to be a Committee to advise them with regard to such rules and regulations or scales under the Merchant Shipping Acts as may be from time to time referred to them by the Board. The Committee will also advise the Board with regard to the appointment of special sub-committees when it is necessary that a subject referred

[1] Cmd. 1872. [2] Cmd. 2706. [3] Cmd. 3646. [4] Cmd. 4242.

to the Committee should be dealt with by a special sub-Committee." The Board of Trade normally appointed the Committee for a period of two years at a time, but this period was on a few occasions extended to enable the Committee to complete its investigations into some important question before it. At different times, the Committee considered practically all branches of the work of the Mercantile Marine Department connected with safety of life at sea, the accommodation of crew and passengers, and the relations between the crew and the master, so far as these are affected by regulations made under the Merchant Shipping Acts. The Board of Trade generally adopted the Committee's recommendations, but on one or two occasions they took a different view.

Apart from these two standing bodies, *ad hoc* committees have been appointed from time to time. All these committees dealt with technical questions.

The shipping industry, however, has been confronted, especially in the last decade, with economic problems of a general character, in the solution of which the advice of committees has been sought. In September 1930, the President appointed a committee "to consider the economic factors involved in the disposal of old ships and their replacement by new, to report whether it is desirable in the national interest that steps, not involving a grant from public funds, should be taken to encourage this process, and if so to indicate what, in their opinion, such steps should be." The committee analysed the economic position, and concluded that it would be impossible to devise any scheme, either for scrapping only or for scrapping combined with replacement, that would secure the necessary financial support from the industries concerned, or would be practicable or equitable. Moreover, they thought that any scheme involving either replacement or restriction upon the shipowner's freedom of sale, even if practicable, would not be in the national interest.[1]

The years of depression that followed saw a progressive deterioration of the condition of the industry, and particularly of the tramp section of it. The volume of seaborne commerce fell disastrously below the 1929 level, and the fierce competition

[1] S.O. publication 51–187.

for cargoes brought down freight charges to completely unremunerative levels. But the most damaging factor to British interests was the extensive subsidization by foreign Governments of their merchant fleets, which was enabling them to drive British vessels even out of their traditional strongholds. In these circumstances the British Shipping (Assistance) Act, 1935, was passed. The Act provided for the payment of a subsidy, according to a scale prescribed, to owners of British tramp ships in respect of tramp voyages made in 1935 (the period was subsequently extended to 1937), subject to the fulfilment of statutory conditions and with an aggregate maximum of £2 million. Payments of subsidy were to be made by the Board on the recommendations of a statutory body, the Tramp Shipping Subsidy Committee, which was responsible for the detailed administration of the scheme. In order to prevent the subsidy being nullified by unrestricted competition between British tramp owners, the Government made it a condition that the industry should evolve a system of freight co-operation, and for this purpose the Tramp Shipping Administrative Committee was created by the industry in January 1935. This Committee was required by the Memorandum on the Financial Resolution[1] presented to Parliament in connection with the Bill, to submit reports of its operations at regular intervals as evidence that Parliament's intentions were being duly observed and freight co-operation maintained. It was a purely industrial body, and it well illustrates in the circumstances of its creation and the duties assigned to it by the Resolution, the part which is played in the relations between the Board of Trade and industry, by bodies which are not advisory committees of the Government, but organizations established by industries themselves for the purpose of co-operation and common representation.

The Act also contained provisions for the grant of loans at 3 per cent up to a maximum of £10 million for the construction of British ships for British owners, on condition that for each ton of shipping built two tons were demolished. The administration of this scheme too was entrusted to a statutory advisory body, the Ships Replacement Committee, which received and considered applications for loans and made recommendations to

[1] Cmd. 4754.

the Board. The Committee presented a report[1] of their work in 1937, showing that altogether loans had been granted for the construction of fifty ships of approximately 186,000 tons gross.

The tramp shipping subsidy lapsed at the end of 1937 owing to the rapid rise of freight rates, but the system of freight co-operation was continued by the Tramp Shipping Administrative Committee. Conditions, however, deteriorated again soon afterwards, and at the same time in the uncertain international situation the Government became gravely concerned at the low level of current shipbuilding. The Government, therefore, prepared a comprehensive plan for the industry, which was embodied in the British Shipping (Assistance) Bill introduced in 1939. The tramp shipping subsidy was to be revived on lines similar to the previous scheme, loans were to be made for the building of new ships, and in certain circumstances grants also for the same purpose, liner services affected by foreign subsidized competition were to be given financial assistance, and the Board of Trade were to be empowered to purchase British vessels as a merchant ship reserve for use in the event of war. Of these five proposals, all but the shipbuilding grants scheme involved the use of advisory committees to assist in their administration. The Bill had only received second reading when War broke out,[2] but the Merchant Ship Reserve scheme had been put into operation previously, since Parliament passed a Supplementary Estimate on May 17, 1939, in advance of the Bill, making the necessary money available. The Merchant Ship Reserve Advisory Committee, which was set up for this purpose, included representatives of shipowners, shipbuilders and ship repairers, shipbrokers and the business community in general. It considered what types of ships were most suitable for the objects of the scheme, and all purchases of ships by the Board were made on its recommendation.

Gas Industry

As with shipping, the history of Government regulation of the gas industry goes back long before the War of 1914–18. Since that War, however, changes have been introduced, and to advise

[1] Cmd. 5459.

[2] The Bill has since been withdrawn.

the Department in determining their nature the assistance of committees has usually been obtained.

Advisory committees on gas questions normally consist of technical and legal men fitted to advise on the particular subject under consideration, together with representatives of the gas industry, local authorities and Government Departments. The Therm and Gas Legislation Committees included representatives of labour.

Cinematograph Films

In the year 1914 some 25 per cent of the films shown in the United Kingdom were of British manufacture. The War of 1914–18, however, caused British production to decline, while at the same time American output increased greatly, and after the War British manufacturers found it extremely difficult to recover the ground they had lost. There was a partial improvement about 1923, when the proportion of British films to the total of those exhibited here reached 10 per cent, but thereafter it declined again to below 5 per cent in 1926. In the spring of 1927 a request was made in the House of Lords for the appointment of a Committee to inquire into the depressed state of the industry, but as the Government were already in close touch with the industry the suggestion was not adopted. Later in the year a Joint Trade Committee (not a Government advisory committee) of the three branches of the film trade—the producers or makers, the renters or distributors, and the exhibitors—was formed to endeavour to frame a scheme of assistance for the film production industry which could obtain general trade agreement. Their report, recommending *inter alia* that persons engaged in the distribution and exhibition of cinematograph films should be required to include among such films a specified quota of films of British manufacture, met with a large measure of approval in the trade, but was turned down by a small majority when it was referred to the members of the Cinematograph Exhibitors' Association. Following further discussions, the Government proposed early in 1926 that the trade should make an effort to secure by voluntary arrangements a greater output of British films, but made it clear that if this effort failed they would not hesitate to

introduce legislation. The trade were unable to agree between themselves, and the Government accordingly introduced in 1927 the Cinematograph Films Bill, which became law in December 1927.

The Act contained provisions, remaining in force until September 1938, for the abolition of blind booking and the restriction of advance booking, and imposed quotas of British films on renters and exhibitors for a ten-year period terminating in both cases in the course of 1938. The Act also provided for the appointment of a committee, the Cinematograph Films Advisory Committee, to advise the Board of Trade on the administration of the provisions of the Act, consisting of two representatives each of the film makers and film renters, four representatives of the exhibitors and five independent members of whom one was to be chairman.

The Act of 1927 brought substantial benefit to the British film producers, and by 1935 the percentage length of British films shown in the United Kingdom was over 25 per cent. Toward the end of that year, the Cinematograph Films Advisory Committee made a report to the President of the Board of Trade on the amendments which in their view were necessary to the continued and increased usefulness of the Act. (The report was printed in the Minutes of Evidence given before the Moyne Committee, pages 153–5). Their principal recommendation was that in order to abolish the inferior British films—the so-called "quota quickies"—which were made solely for compliance with the quota requirements, a cost test should be instituted as a criterion for the registration of a British film for renters' quota purposes. This report, however, was not unanimous, and for this and other reasons the Government decided to refer the whole question of future policy with regard to cinematograph films to a Departmental Committee.

The Chairman of the Committee was Lord Moyne, and there were five other members, all independent of the trade, including the Chairman and another member of the Cinematograph Films Advisory Committee, a Governor of the British Film Institute, and an accountant. They reported in November 1936[1] that con-

[1] Cmd. 5320.

tinued protection of the industry was essential, and that the only practicable method was to continue the quota policy of the 1927 Act for a further period of ten years. A large number of detailed proposals for the promotion of the British industry were put forward, of which only the more important can be mentioned. As regards the quota quickies, they proposed a test of quality, instead of the cost test recommended by the Cinematograph Films Advisory Committee, as the criterion for registration for renters' quota, and they also proposed a separate quota for "short" films (the 1927 Act imposed quotas for all films together, and for long films separately, but not for short films), so as to encourage their production in this country. In order to provide a body capable of administering the quality test, and also to secure an impartial authority which all branches of the industry might in time come to trust, they recommended that the administration of the legislation should be transferred from the Board of Trade to an independent authority, a Films Commission, consisting of a Chairman and two to four other members, all completely impartial, and adequately remunerated.

The three sections of the industry were invited towards the end of 1936 to give their opinion on the Moyne Report. Considerable differences of view were found, and none of the major recommendations received the support of all sections. The Board of Trade then asked the trade early in 1937 to initiate discussions in the hope of arriving at an agreed policy, but no progress to this end was made and the Government therefore formulated its own proposals. They were published in a White Paper[1] issued in July 1937, and in due course the Cinematograph Films Bill was introduced. It followed the general lines of the 1927 Act with the addition of amendments which the experience of the intervening period had shown to be necessary. It continued the renters' and exhibitors' quota, with certain modifications, for another ten years. It rejected, however, the Moyne Committee's recommendation that the primary test for registration of a British film for renters' quota should be a test of quality, because of the difficulty in which producers would be placed in not knowing until a film was completed whether it would qualify, and returned

[1] Cmd. 5521

to the original proposal of the Cinematograph Films Advisory Committee that the primary test should be the cost of manufacture. Films, however, which did not satisfy the prescribed level of cost might still qualify for renters' quota if they reached a sufficient standard of quality—in any case they would qualify for exhibitors' quota. Provision was made for a separate quota for short films, but in this case no cost test was to be imposed, at least in the first instance. The Bill was eventually passed, after considerable modification of detail in Parliament, and became law as the Cinematograph Films Act, 1938.

This extremely condensed and simplified account of the main provisions of the Act suffices to indicate the important divergences between the Act and the Moyne Committee's recommendations. With regard to the administration of the Act, too, the Government rejected the Committee's proposals. The Committee's suggestion of an independent Films Commission did not find favour with the trade, and moreover one of its chief would-be functions, that of administering the quality test, had been abolished by the substitution of the test based on cost. The Government therefore left the administration of the Act, as before, to the Board of Trade, but provided a committee rather stronger than that under the previous Act to advise them in the exercise of their functions. The new committee, appointed under section forty of the Act and called the Films Council, consists of twenty-one members, ten representing various trade interests and eleven being persons independent of any pecuniary interest in the film trade. They have the power to review the progress of the film industry and report to the Board upon it whenever they think fit. They are also in a position to advise the Board on any matter on which the Board may seek their advice, and will make an annual report to the Board of Trade of their proceedings, which will be laid before Parliament.

The Cotton Industry

In some ways the recent history of the cotton industry furnishes the most instructive example of the use and function of advisory committees in the Board of Trade's work. The cotton industry is one of the greatest industries in the country, and as late as

1937, after a long and drastic decline, exports of cotton goods exceeded in value those of any other single industry.

The difficulties which have led to Government action are notorious. For a century before 1914 the industry had experienced a period of almost continuous expansion. Exports of cotton piece goods had risen from 250 million yards in 1814 to a peak figure of more than 7,000 million yards in 1913. Four-fifths of the industry's production went overseas and accounted for nearly three-quarters of the world's international trade in cotton goods. Since 1914 on the other hand there has been a precipitous decline; between 1914 and 1919 exports fell by 3,000 million yards, and since then have declined again to 2,000 million yards in 1937 and less than 1,500 million yards in 1938. An expansion of the home market and the advent of rayon, which is used by cotton weavers, offset this fall to a slight extent, but even so the total production of the industry has fallen to one-half of its 1913 level. More than two-thirds of the fall in exports is accounted for by losses in markets, especially India, China, Japan, Brazil and Canada, where the War of 1914–18 encouraged the growth and development of local industries to provide the goods Lancashire found it difficult to supply; the remaining third is mainly attributable to Japanese competition.

Lancashire had suffered slumps at intervals throughout the nineteenth century, and it took some years for the industry to realize that the persistent depression of the 1920's (after a short-lived boom in 1920) was the symptom of a permanent change. By 1929, however, when trade as a whole was prosperous, it was clear that the cotton industry was suffering from a chronic maladjustment to the new conditions, and in August of that year the Prime Minister appointed a Sub-Committee of the Committee of Civil Research (absorbed the next year into the Economic Advisory Council, of which this Sub-Committee became a Committee) "to consider and report upon the present conditions and prospects of the cotton industry and to make recommendations as to any action which may appear desirable and practicable in order to improve the position of the industry in the markets of the world." The Chairman of the Committee was originally the President of the Board of Trade, the Rt. Hon. W. Graham, but

owing to exceptionally severe Parliamentary duties his place was later taken by the Home Secretary, the Rt. Hon. J. R. Clynes. There were four other members of the Committee, all independent of the cotton industry—the Rt. Hon. A. V. Alexander, then First Lord of the Admiralty, and three persons prominent respectively in finance, accountancy and the miners' trade unions. In their report,[1] presented in July 1930, they analysed the causes of the industry's depression, made suggestions of possible methods of technical improvement in the industry, and recommended that the movement already in existence towards amalgamations should be accelerated and that the co-operative effort, signalized by the formation some years before of the Joint Committee of Cotton Trade Organizations, should be extended as widely as possible.

Action was subsequently taken in regard to some of these recommendations, but lack of a co-ordinating authority and of financial resources prevented the adoption of others. Meanwhile the condition of the industry during the years of the world depression went from bad to worse. Various remedies were proposed, but it was evident that no improvement was possible while productive capacity remained so much in excess of demand. This surplus capacity was most pronounced in the spinning section, where excessive internal competition was forcing most firms to accept prices which not only gave no return on capital, but were frequently insufficient to provide for repairs, still less for re-equipment. Thus the industry was involved in a vicious circle of bad trade causing losses, which in turn caused technical inefficiency and still worse trade. In 1931, the Joint Committee of Cotton Trade Organizations stated clearly that the first steps towards the rehabilitation of the industry must be the elimination of redundant plant, and in a letter of March 1932 the President of the Board of Trade assured the Joint Committee that if they put forward a suitable scheme for concentrating production by means of a levy for the purchase of redundant machinery, backed by the requisite support from the industry to commend it to Parliament, he would be prepared to promote legislation accordingly. Investigations to this end in the industry continued, and

[1] Cmd. 3615.

in 1934 the Federation of Master Cotton Spinners' Associations set up a representative Committee under the independent chairmanship of Lord Colwyn, with the specific responsibility of preparing a scheme for legislative sanction. On submission to the industry for approval by ballot the scheme received the support of a substantial majority, and in due course after other necessary inquiries the Government was approached for the requisite legislation.

The Bill, which was passed into law as the Cotton Spinning Industry Act, 1936, provided for the establishment of a Spindles Board with power to acquire by agreement redundant cotton spinning plant, and to borrow up to £2 million for this purpose. The sums required for the service of the loan and for the payment of the Spindles Board's administrative expenses were furnished out of the proceeds of a compulsory levy on all cotton spinning machinery. For the purpose of advising the Spindles Board, section three of the Act provided for the appointment by the Board of Trade of an advisory committee of six persons, consisting of four representatives of the spinners and two persons appointed respectively after consultation with the Joint Committee of Cotton Trade Organizations and the United Textile Factory Workers' Association. Besides the general duty of advising the Spindles Board in the discharge of their functions the Advisory Committee have the right, if they think fit, to recommend to the Board of Trade that the purchasing powers of the Spindles Board should be terminated; and the Spindles Board must furnish to them for each month a statement of the spindles acquired and the money paid for them, and also a half-yearly return showing the spinning machinery in operation during that period and the amount of yarn produced.

The Act, however, only covered a very limited aspect of the problem, and accordingly discussions of wider schemes of reorganization were pushed ahead. In November 1937, the first draft of proposals for legislation was submitted by the Joint Committee. These were the subject of investigation during the next year both within the industry and with other textile interests concerned, and a revised draft embodying various modifications inserted to obtain as wide a measure of agreement as possible, was

submitted in December 1938. In the following February the Government issued a command paper[1] containing the draft of a Bill based substantially on the Joint Committee's revised proposals. When a ballot was taken of the industry on the draft Bill, a majority of 65 per cent of firms, representing 70 per cent of output, was shown in favour, and the Bill was therefore introduced in Parliament. After substantial alterations during the Committee and Report stages in the House of Commons it became law on August 4th under the title of the Cotton Industry (Reorganization) Act, 1939.

The Act is an enabling Act, designed as a framework within which the industry can set its house in order and work out a policy for developing and increasing trade, particularly in export markets. The provisions of the Bill run to seventy-nine pages of text, and only an outline of them can be given. A procedure is laid down for the submission of schemes, either for the elimination of redundancy or for the fixing of minimum prices for their products, by any section of the industry, and subject to compliance with the specified conditions these schemes may receive statutory force. Arrangements are made for the stimulation of the export trade by special derogations from the fixed prices, subject again to proper safeguards against abuse. The machinery proposed by the Act is complex. The central authority is the Cotton Industry Board, consisting of fifteen persons, of whom three including the Chairman are to be independent persons having special knowledge of the industry and the remaining twelve are to be persons engaged in the industry, including operatives and merchants. In addition to the Cotton Industry Board there are three other bodies, the Cotton Industry Advisory Committee, the Representative Advisory Council, and the Export Development Committee. Of these the first, appointed by the Board of Trade, consists of three independent persons, whose duty is generally to advise and assist the Board of Trade in matters relating to the industry, and also to fulfil certain important specific functions. Proposals for the constitution of the Representative Advisory Council are to be submitted within six months from the commencement of the Act by the Joint Committee of

[1] Cmd. 3935.

Cotton Trade Organizations to the Board of Trade. It is to consist of representatives of all the interests engaged in the industry as well as merchants and producers, and its duty is to advise the Cotton Industry Board in the exercise of their functions. The Export Development Committee is a committee to be appointed by the Cotton Industry Board to make recommendations to them for promoting the development of the export trade. Finally there is provision for the establishment of a Rayon Committee, if the Cotton Industry Advisory Committee are satisfied that a majority of each of the sections of the rayon industry desire it, or in certain circumstances without that condition, and the Committee's duty would be to consider and report to the Cotton Industry Board upon any proposed price schemes affecting the rayon industry.

Any section of the industry desiring to institute a redundancy or a price scheme must submit the scheme to the Cotton Industry Board, who will take a ballot upon it of all the firms in the section concerned. If the poll is favourable, according to the formula prescribed, the Cotton Industry Board will send it forward with their views to the Cotton Industry Advisory Committee, and that Committee will then consider the effect of the proposed scheme upon the interests of employers and operatives in other sections of the industry, upon the export trade, and upon other British industries. The Advisory Committee then send forward the scheme with their own comments as well as those of the Cotton Industry Board to the Board of Trade. If they too agree the scheme is laid before Parliament and on being confirmed by an affirmative resolution of both Houses the Board of Trade may make an order bringing it into effect.

This Act[1] is probably the most comprehensive experiment so far attempted in this country to secure the reorganization of an industry under Government supervision, and as such it is particularly valuable to observe the part played by advisory committees in its inception and execution. As with the Cotton Spinning

[1] The Act was to have come into operation not later than three months after its passing, viz. on November 4, 1939, but owing to the war its operation has been postponed *sine die* by the Cotton Industry (Reorganization) (Postponement) Act, 1939.

Industry Act, 1936, advisory committees had no place in the long process of preparation of the Bill. The Board of Trade's discussions were conducted with the central organization of the industry, the Joint Committee of Cotton Trade Organizations, and in the case of the merchants with their appropriate associations. An advisory committee would have been a useless *tertium quid* serving only to complicate the negotiations. As regards the machinery set up by the Act, this must be regarded as a carefully articulated whole, in which each part performs some special function towards the common end of promoting the interests of the industry. If one must specify the committees which are strictly advisory committees of the Board of Trade, only the Cotton Industry Advisory Committee properly falls into this class, since the others advise not the Board of Trade but the Cotton Industry Board, and it is noteworthy that even the Cotton Industry Advisory Committee's expenses are paid by the Cotton Industry Board, and not, as normally with advisory committees, by the Government department concerned. But it serves little practical purpose to distinguish bodies advising the Board of Trade from advisory bodies at other levels, since the whole scheme of the Act is a product of the joint parentage of the Board of Trade and the industry, and the administrative organization is devised as a pyramid broad-based on the industry's consent and rising through successive administrative and consultative bodies to the ultimate sanctioning authority of the Board of Trade and Parliament.

Protection of Consumers

Shortly after the end of the 1914–18 War, the Profiteering Act, 1919, was passed, because, in the words of the long title, "it appears that the prices of articles are, to the detriment of the people, being enhanced in some cases by the charging of prices yielding an unreasonable profit to the persons engaged in the production, handling or distribution thereof." The Act, which made it a punishable offence to sell articles to which the Act had been applied at an unreasonable profit, empowered the Board of Trade to investigate prices, costs and profits at all stages, and to examine complaints of contravention. The Board however

could establish, or authorize local authorities to establish, local or other committees to whom the Board might delegate these powers, including the power of prosecution. In fact, about eighteen hundred local committees were appointed, which administered the Act with greatly varying degrees of efficiency and enthusiasm. After a short time the boom collapsed, prices fell, and the Act was repealed.

The protection of consumers was the motive again of action taken in 1925. In July of that year, following the Report of the Royal Commission on Food Prices of November 1924, the Prime Minister appointed the Food Council to "investigate and from time to time report to the President of the Board of Trade on such questions, as by reason of complaints from persons interested or otherwise, appear to the Council to require investigation in the interests of consumers or traders, or are referred to them by the President of the Board of Trade, relating to the supply or price of articles of food of general consumption and in particular the following: Wheat, flour, bread, meat, bacon and ham, milk, butter, cheese, eggs, fish, fruit and vegetables, sugar, tea." The Council, which numbers about sixteen, consists of representatives of consumers (including women), persons of wide business experience, and representatives of the Government departments concerned. It is not a statutory body and has no compulsory powers, although at the time of its appointment the Government indicated that, if experience showed that compulsory powers were necessary, they would not hesitate to ask Parliament for them. It has made *ad hoc* investigations from time to time into various commodities, and its reports have been published.

One example of its work is the drawing up, after inquiries into bakers' accounts, of a scale recommending maximum bread prices in relation to flour prices. While this scale is not universally observed, it is followed by the London bakers' associations and sets a standard for bread prices in other parts of the country. In 1925 the Board of Trade requested the Food Council to undertake an important inquiry into short weight and measure in the sale of foodstuffs and the Sale of Food (Weights and Measures) Act, 1926, was based on the Council's recommendations. This measure made illegal for the first time the giving

of short weight and measure in the sale of food. The Council has produced up to the present time twenty-three reports, of which ten have been concerned with bread, one with flour, three with milk, two with tea, two with meat, one with bacon, one with fish, and one with market garden produce. The two remaining reports were the report on short weight and measure already mentioned, and a report made in 1928 which called attention to the desirability of powers being conferred on the Council to obtain information from traders.

In the absence of compulsory powers, the Food Council have had to rely on the voluntary co-operation of the trades in obtaining information in their inquiries. In the early stages of their history, the Food Council experienced considerable difficulty in this respect, and for that reason they made the report in 1928 asking for powers to obtain information. An indication by the Government that, if the trades would not co-operate voluntarily, compulsory measures would have to be taken enabled the Council to complete some of its inquiries which had been held up.

The Agricultural Marketing Act, 1931, provided in section nine for the setting up of consumers' committees with the duty of watching the operation of agricultural marketing schemes in the interests of consumers and of reporting to the Minister of Agriculture on the effects of such schemes on consumers and on consumers' complaints. The functions of these committees were obviously related to those of the Food Council, and in order to provide proper co-ordination it was decided that the personnel of the committees should be drawn from that of the Council. The Food Council was accordingly reconstituted in December 1933, and the members of the reconstituted Food Council were appointed to be the Consumers' Committee for Great Britain. The Consumers' Committees for England and Scotland were drawn largely from the same personnel.

A few years earlier, in 1930, another committee had been appointed to consider a question affecting the interests, not of ultimate consumers, but of retailers in relation to manufacturers. Principally as a result of certain difficulties experienced by co-operative societies in obtaining supplies of proprietary products, the Lord Chancellor and the President of the Board of Trade

appointed the Restraint of Trade Committee "to consider present trade practices which result in withholding from particular retail traders supplies of goods in which they wish to deal or which prevent the resale of such supplies except upon conditions imposed by the suppliers, and to report whether in their opinion all or any of such practices are detrimental to the public interest and, if so, what alterations in the existing law are necessary to prevent the continuance of such practices." The Committee reported in July 1930[1] that they regarded the dispute as in the nature of a trade dispute, and did not consider that any compelling case for a change in the law had been established.

Industrial Art

Industrial Art is a subject of common interest to the Board of Trade and the Board of Education, to the latter Department in its instructional and social aspect, to the former by reason of its influence upon industry and particularly exports. The beginnings of Government action in this sphere in the second quarter of the nineteenth century were taken by the Board of Trade, but in 1856 they were absorbed by the newly constituted "Educational Establishment of the Privy Council," and for half a century the Board of Trade had no direct concern. After the turn of the century, however, when foreign competition was becoming increasingly severe, misgivings began to be expressed about the artistic quality of British manufactures. Exhibitions of British industrial art arranged abroad by the Board of Trade made clear the need to bridge the gaps between the art school and the manufacturer, and this brought the Board of Trade and the Board of Education together to devise a solution of the problem.

With this object a corporation constituted "not for profit," and entitled the British Institute of Industrial Art, was established in 1920 jointly by the Presidents of the Boards of Trade and Education. Its aim was "to raise and maintain the standard of modern British industrial art, and at the same time to stimulate public appreciation of works of industrial art so as to increase the volume and raise the quality of the demand for those works." The Articles of Association provided for a governing body of

[1] S.O. publication 51–189.

ten to fifteen members and, although these included representatives from the two departments, the Institute enjoyed complete freedom of policy. The Treasury made a grant towards the Institute's initial expenses and current expenditure over the first two years, but thereafter it was dependent on subscriptions and donations from the public. The establishment of the Institute as an independent body, rather than as an advisory committee, was intended to give it greater freedom of action, so that it might not only make inquiries and recommendations, but might itself initiate and promote measures calculated to meet some of the needs revealed by its investigations. At an early stage the Institute strengthened its status by electing upwards of a hundred Fellows of the Institute, including many of the most prominent industrial designers of the time.

The Institute arranged exhibitions of contemporary British industrial art in London, in the provinces and abroad, some of which, especially those in the industrial districts of Lancashire and Yorkshire, achieved marked success. It conducted research into the position of industrial design in particular industries, and in response to an invitation from the University authorities prepared a curriculum of study for the commercial art examination of the London School of Economics. In addition it advised Government departments on various matters referred to it, and notably the Office of Works on specifications for furniture and the Post Office on the design of the stamps commemorating the Empire Exhibition at Wembley. It published the following reports: *Some Particulars with regard to the Aims and Activities of the British Institute of Industrial Art* (1923), *Public Departments and Industrial Art* (1923), *The University Teaching of Art in Relation to Commerce* (1923), *The Art of Graveyard Monuments* (1925), and a *Report on the work of the British Institute of Industrial Art 1919-1924*. The Institute continued in existence for some years longer, but its activities were increasingly circumscribed by lack of finance after the Treasury grant had lapsed.

Government interest in industrial art was actively revived in 1931, when the President of the Board of Trade appointed a Committee, under the chairmanship of Lord Gorell, to investigate and advise with regard to the desirability of forming in

London a standing exhibition of articles of everyday use and good design of current manufacture and of organizing local or travelling exhibitions of the same kind at home and abroad, and on the constitution of the central body which should be charged with the work of co-ordinating these activities. The Committee presented their report in March 1932, recommending *inter alia* that a central body responsible for exhibitions of industrial art should be established with executive powers, in close association with the Department of Overseas Trade, that periodic exhibitions should be arranged in London and elsewhere in order to raise the standard of taste of manufacturers, distributors and the public, and that the Government should take measures to improve the status of industrial artists, encourage the employment of good artists by manufacturers, and secure better art education. They proposed that the Board of Trade should be made specifically responsible for the advancement of industrial art in this country.

Following the Gorell Committee's Report, the President of the Board of Trade appointed the Council for Art and Industry in January 1934 as a standing body "to deal with questions affecting the relations between art and industry." The Chairman of the Council from 1934 to 1939 was Mr. Frank Pick, and the members, numbering between twenty-five and thirty, were persons representing the fine arts, industrial art, industry, distribution and advertising, as well as representatives of the Government departments principally concerned. The Council was primarily a permanent advisory committee, not an independent body as had been the British Institute of Industrial Art, but in its aims, the character of its membership and its activities it had close and obvious affinities to the Institute and was its natural successor. The Board of Trade also appointed a Scottish Committee of the Council to undertake parallel activities in Scotland.

The Council made several reports which were published by the Board of Trade. The first, *Education for the Consumer*, published in 1935, reviewed the teaching of art in elementary and secondary schools and recommended that art should receive the same attention in school teaching as is given to languages, science and mathematics, so that the purchasing public should be

educated to demand articles of good design. The next report was *Design and the Designer in Industry*, published in 1937, which analysed the place of design in industry, described the existing practice with regard to the recruiting and training of designers and their pay and prospects, and adumbrated the changes both in the training of designers and their treatment in industry which seemed essential for a healthy development. The Council also appointed committees to investigate in more detail the position in the pottery, jewellery and silversmithing, and printing industries, and reports of these investigations were published in 1937. Apart from these inquiries, the Council sought to promote industrial art by more positive means. It organized travelling exhibitions of industrial art in London and provincial centres, an exhibition of materials for the teaching of art in elementary schools and in 1937 it staged an exhibition, of which a report was published, of working-class furniture combining attractive and serviceable design with a modest level of cost. The Council was responsible for the British pavilion at the Paris International Exhibition, it organized the competition from which the Post Office chose the designs of the new postage stamps for the reign of King George VI, and promoted the establishment of the National Register of Industrial Art Designers, which was set up in 1937, with an initial Treasury grant for three years, as a channel through which artists seeking industrial employment and manufacturers requiring designers could be brought into contact.

Statistics

There is one other service, ancillary to all the foregoing activities, in which advisory committees have been employed. The Statistics Department of the Board of Trade compiles, in collaboration with the Customs, annual and monthly statements of the foreign trade of the United Kingdom and quarterly statements relating to the trade and commerce of certain foreign countries; it publishes annually statistical abstracts for the United Kingdom in the British Empire; it prepares an annual survey of industrial development from information furnished by the Home Office and the Ministry of Labour; and it keeps records of wholesale prices in the United Kingdom.

These functions naturally do not call for the assistance of committees, but in addition the department is entrusted with the duty under the Census of Production Act, 1906, of taking periodical censuses of the quantity and value of the different classes of goods produced in the United Kingdom. Section 9 of the Act requires the Board to appoint one or more committees, including persons conversant with the conditions of and engaged in various trades and industries, for the purpose of advising them in considering the preparation of the forms and instructions necessary for the taking of the census and the making of any rules under the Act relating to the details of the information demanded. During the period 1919–39, censuses were held under the Act, and the respective statutory advisory committees appointed, in 1924, 1930 and 1935. The committees consisted of persons with experience in trade and industry and of economists and statisticians.

COMPANIES

The Companies Department of the Board of Trade administers the Companies, Assurance and related Acts. Legislation for the control of companies and insurance business is naturally a complex and expert subject, and in the period under review it was never undertaken except after inquiry by a committee.

At the beginning of 1925 the President appointed the Company Law Amendment Committee to consider what amendments were desirable in the Companies Acts, 1908 to 1917. The Committee, whose chairman was Mr. Wilfrid Greene (now Master of the Rolls), was the first to make a general review of the operation of the Companies Acts since the committee of 1905, though the Wrenbury Committee in 1918 had considered certain aspects. They reported[1] that the system of company law was in general fulfilling its function in a highly satisfactory manner, but on a number of matters of principle they were unanimous in recommending an alteration of the law. Their recommendations were accepted and were given legal force by the Companies (Amendment) Act, 1928, which was consolidated with previous

[1] Cmd. 2657.

legislation in the Companies Act, 1929. Since that time demands have arisen for futher changes of detail, which were considered by a Committee of the Association of British Chambers of Commerce in 1933, but no Government advisory committee to review the subject again has yet been appointed. Part, however, of the case for revision has been met by the passing of the Prevention of Fraud (Investment) Act, 1938.

A little earlier, in July 1924, the Board of Trade had appointed a Departmental Committee under the chairmanship of Mr. A. C. Clauson, K.C., now Mr. Justice Clauson, "to inquire and report what amendments are desirable in the Assurance Companies Act, 1909." The Committee reported[1] in February 1927, and recommended that the Assurance Companies Act, 1909, should be replaced by a new Bill entitled the "Insurance Undertakings Bill," a draft of which was appended to their Report. One recommendation of the Committee was that the classes of insurance business involving permanent contracts should, along with their assets, be entirely segregated from the rest of an insurer's business. This recommendation was made to protect the interests of the life policy-holders which had suffered severely in certain failures, since the life assets were part of the general assets and were taken to meet the general liabilities. Another important recommendation was that mutual indemnity associations should be required to furnish returns to the Board of Trade in the same way as other insurers. The recommendations of the Committee were not implemented, in part because of disagreements among the insurers themselves.

Motor vehicle insurance business, which had previously been treated as accident business under the Assurance Companies Act, 1909, was made a separate class of insurance business by the Road Traffic Act of 1930. Further, every motorist was compelled by the Act to insure against third party personal injury risks. Subsequently to this legislation, five companies which transacted motor vehicle business failed, and in the case of one company which transacted not only motor vehicle business but also life and other assurance business, the life policy-holders suffered severely as a result of the failure. To remedy this position, two

[1] Cmd. 2820.

Assurance Companies Winding-up Acts were passed in 1933 and 1935 respectively to confer additional powers on the Board of Trade to deal with insolvency, but as the position was still regarded as unsatisfactory a Departmental Committee under the chairmanship of Sir Felix Cassel, K.C., was appointed in February 1936, "to consider and report whether any, and if so, what changes in the existing law relating to the carrying on of the business of insurance are desirable in the light of statutory provisions relating to compulsory insurance against third party risks and by employers against liability to their workmen." The Committee reported[1] in July 1937, and their main recommendations were that no insurer should be allowed to transact any class of compulsory insurance business unless licensed to do so by the Board of Trade, the licence to be given after consultation with advisory committees selected from the different classes of insurers and in accordance with regulations to be framed in consultation with them; that a Central Fund should be established by all insurers licensed to transact motor vehicle insurance business for the purpose of indemnifying third parties who had proved negligence against a motorist, but for one or other of various reasons specified were unable to recover; and that full returns, particularly with regard to outstanding claims, should be rendered to the Board of Trade.

In February 1930 the President appointed the Registration of Accountants Committee under the chairmanship of Viscount Goschen to consider whether it was desirable to restrict the practice of the profession of accountancy to persons whose names would be inscribed in a register established by law. The Committee found[2] that there was no general public demand for compulsory registration, though in the profession itself the proposal had considerable support, partly with a view to securing that only persons on the register should be permitted to audit accounts which are required by statute. The Committee decided that compulsory registration would present serious practical difficulties and few advantages, and as regards the auditing of accounts they saw no reason to disagree with the Company Law Amendment Committee, which four years earlier had been

[1] Cmd. 5528. [2] Cmd. 3645.

unable to recommend that any provisions as to the qualifications of auditors should be inserted in the Companies Act.

In 1936 two committees were appointed, a committee under the chairmanship of Sir Alan Anderson, "to inquire into Fixed Trusts in all their aspects and to report what action, if any, is desirable in the public interest," and a committee of which Sir Archibald Bodkin was Chairman, "to consider the operations commonly known as share pushing and share hawking and similar activities, and to report what, if any, action is desirable." Among the recommendations of the former committee, which reported[1] in July 1936, were that each Unit Trust should be registered, that various particulars should be filed with the Registrar and open to public inspection, and that trustees should be of a specified status. The "Sharepushing" Committee which reported[2] in July 1937, recommended that it should be made illegal for any person who is, or purports to be, a dealer in shares to transact business in shares with any member of the public, subject to certain exceptions, or to describe himself as transacting business in shares, unless he either is registered in accordance with certain conditions or is an exempt person, for instance, a member of a recognized stock exchange. These recommendations were the basis of the Prevention of Fraud (Investments) Bill, introduced in Parliament in 1938, and passed into law in 1939. The Committee's work was of great value and without it the Bill could not have been evolved, but in certain respects the Bill differed from and went beyond the Committee's proposals, and before it was finally introduced in Parliament it was discussed at length with all the principal interests. The chief point of difference between the Bill and the report was that the Bill substituted a system of licensing by the Board of Trade of dealers in shares for the registration proposed by the Committee. At the same time, the Bill included a provision for putting into effect the recommendation of the Fixed Trusts Committee that trustees of unit trusts should conform to a status prescribed. No action has yet been taken on the other recommendations of this Committee, as they are not regarded as of pressing importance.

A duty of the Board of Trade analogous to company regulation

[1] Cmd. 5159. [2] Cmd. 5839.

is the administration of the Bankruptcy Acts, and this was the subject of an inquiry by a committee appointed in 1924. The Bankruptcy Committee was instructed "to consider and report on the amendments of the Bankruptcy Act, 1914, which recent experience has shown to be desirable, more particularly in regard to the provisions for the discovery and punishment of offenders." They reported in 1925,[1] and on their recommendation was based the Bankruptcy (Amendment) Act, 1926. The Act was primarily concerned with the penal side of the law. The provisions relating to discharge from bankruptcy were amended so as to give the court a wider discretion as to the conditions to be imposed, and the period of imprisonment for certain misdemeanours in the principal Act was increased from six to twelve months.

PATENTS AND INDUSTRIAL PROPERTY

The Patent Office and Industrial Property Department, which is a sub-department of the Board of Trade, deals with all matters relating to patents, designs, trade marks and copyright. These are all highly technical subjects, and inquiry by an expert committee is usually necessary before legislation or important administrative changes can be introduced. The members of such committees, of which there have been several since the last War, are normally drawn from barristers practising in patent law, solicitors, and patent agents, together with persons of general experience in industry.

The Merchandise Marks Committee was appointed in 1919 to consider, among other matters, the utility and effect of National Trade "Marks" or other similar collective marks, and whether further international action was necessary for the purpose of preventing the false marking of goods. This committee reported[2] against the use of a British National or Empire mark of origin, but supported the use of association or certification marks in particular trades. The use of such marks is now developing under the provisions for registration in the Trade Marks Act. As regards international action for preventing false marking, the Committee's main recommendation was that the International Conventions

[1] Cmd. 2326. [2] Cmd. 760.

connected with the International Union for the Protection of Industrial Property should be strengthened and endeavours made to obtain more adherents. This has been the policy since pursued by the Board at Conferences of the Union and otherwise.

Another committee was appointed as a result of the Hague Conference of the International Union in 1925, when an amendment of the Convention regarding the dating of patents for which priority was claimed was lost only by the votes of the United Kingdom and Australian delegates. They, however, made a declaration that they would recommend their respective Governments to consider the possibility of amending the United Kingdom and Australian law on the subject, and the Dating of Patents Committee was set up to give effect to this Declaration. The Committee came to the conclusion[1] that no change was desirable in the existing practice as to the dating and sealing of patents, but that if for any reason a change should be considered expedient it should be limited to an alteration in the term of patents whereby the fixed period of that term would run in all cases from the date of filing the complete specification. The position was reviewed by the Patents Committee of 1931, who saw no reason to differ from the conclusions of the 1926 Committee. In 1934, however, the London Conference of the International Union for the Protection of Industrial Property adopted the amendment which had been rejected at The Hague in 1925, and this necessitated legislation to give effect to the recommendation of the 1926 Committee. This was done in the Patents &c. (International Conventions) Act, 1938.

Certain questions of copyright royalty were considered by the Copyright Royalty (Mechanical Musical Instruments) Committee 1928. Section 19 of the Copyright Act, 1911, provides that if at any time after the expiration of seven years from the commencement of the Act it appears to the Board of Trade that the rate of royalty fixed by that section to the owners of copyright in musical works which have been reproduced on any records, or other contrivances by means of which such works may be mechanically performed, is no longer equitable, the Board of Trade may, after holding a Public Inquiry, make an Order

[1] S.O. publication 1927.

decreasing or increasing the rate as may seem just. In 1927, when representations were made to the Board of Trade by owners of copyright in musical works that the existing rates of royalty were inadequate, the Board decided to hold an Inquiry under Section 19, and this Committee was appointed for the purpose. The Committee came to the conclusion[1] that some increase in the rate of royalty was justified, and recommended that a provisional Order be made by the Board of Trade raising the statutory rate of royalty by a specified amount. A Provisional Order to this effect was made by the Board of Trade on May 21, 1928, and confirmed by the Copyright Order Confirmation (Mechanical Instruments: Royalties) Act, 1928.

In 1929 the Patents Committee was appointed by the Board of Trade to review generally the Patents and Designs Acts and the practice of the Patent Office thereunder, and to report what changes in the law and practice were desirable. Legislative effect was given to most of the Committee's recommendations by the Patents and Designs Acts, 1932.

The law relating to Trade Marks was the subject of review by the Trade Marks Committee appointed in 1933. The Committee's recommendations were accepted by the Government and embodied in the Trade Marks (Amendment) Bill which became law in 1937.

Finally, there was in 1935 a Departmental Committee on International Copyright. International copyright in literary and artistic works is regulated by a Convention made between the States who are Members of the International Union for the Protection of Literary and Artistic Works. This Convention was drawn up in Berne in 1886 and revised at Paris in 1896, at Berlin in 1908, and at Rome in 1928. A Conference for a further revision had been fixed to be held in Brussels in 1936, and, in view of that Conference, proposals for amendment of the Convention had been put forward by the Bureau of the International Union and by the convening country, Belgium. The Departmental Committee was set up to consider the attitude which this country should adopt towards those proposals, and to advise what proposals for amendment of the Convention His Majesty's Govern-

[1] Cmd. 3122.

ment should themselves put forward. The Committee considered and made recommendations upon numerous questions connected with international copyright, including in particular questions arising from developments in wireless communication, television, cinematography, and the extended use of gramophone records for public performances and otherwise. Their proposals for the amendment of the Convention were accepted by the Government and put down for discussion at the Conference, but that Conference was postponed, and, for various reasons, has not yet been held.

BOARD OF TRADE ADVISORY COUNCIL

There remains the Board of Trade Advisory Council. This was a standing advisory body established after the last War for the purpose of keeping the Board of Trade in touch with current tendencies and developments in industry, commerce, and finance at home and overseas. Its members were chosen as being expert authorities on the divers aspects of the country's economic life, and for obvious reasons normally included the chairmen for the time being of the chief representative trade and industrial organizations. There were representatives of all the principal industries and branches of commerce and finance, of labour, of other Government Departments concerned, and of the Dominions and India. The Council met each month, with the President in the chair, and reviewed the current situation in industry, trade, shipping, finance and so forth in the light of surveys supplied by the respective members and of the latest official information. Its function was not so much to formulate or advise upon general policy as to provide a valuable forum of discussion for the ventilation of all points of view, and a synopsis of the economic world which is the context of the Board's own activity.

SUMMARY

From this survey certain broad conclusions are evident. In the departments of the Board which deal with technical and specialized subjects, like the control of companies and patents, gas

administration and the safety of life at sea, advisory committees have been regularly consulted on all important questions of policy likely to require new legislation or major changes of administrative practice. It does not follow that the Board might not often have arrived at much the same decisions without the advice of the committees, or might not have obtained all the necessary information—if they had it not already—by direct communication with the parties concerned. Presumably committees were appointed in these cases because, of all the different possible methods of collecting and examining data bearing on a particular problem, investigation by a committee was regarded as the most reliable, or authoritative, or likely to carry the most weight with the public, or simply the most convenient.

In other parts of the Board's work committees have been employed less, for two main reasons. First, the regulation and direction of the country's external trade involves such important political issues that in general the Government cannot afford to delegate its responsibility, even temporarily, by referring for advice to committees of outsiders—apart from the practical difficulty that a group of representatives of different industries and interests would be unlikely on this subject to co-operate harmoniously and arrive at agreed conclusions. In the second place organizations and associations of industries and trades are already in existence which fulfil in themselves many of the functions of advisory committees. They act as clearing houses for the collection of information and as centres of discussion in which industries, trades or groups of interests can consider their problems and prepare concerted proposals for submission to the Government. Thus for the purposes of trade negotiations the Board consult these bodies directly, without the mediation of a committee, and the same was largely true of the negotiations which prepared the legislation for the films, shipping, and cotton industries. On the other hand this industrial legislation, following the precedent of the Dyestuffs (Import Regulation) Act, shows a fairly consistent use of committees established by statute to assist the Board of Trade in the administration of the legislation and to keep them advised of its effectiveness in securing the industries' prosperity.

THE USE OF ADVISORY BODIES BY THE BOARD OF EDUCATION

by JOHN GRAVES

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I. HISTORICAL SKETCH

Less than forty years have passed since the Board of Education came into being, charged with "the superintendence of matters

relating to education in England and Wales."[1] Not that the State was indifferent to education before 1900, but there had been no general planning, and the results were "the usual results of dispersed and unconnected forces: needless competition between the different agencies, and a frequent overlapping of effort, with much consequent waste of money, of time, and of labour."[2]

Though nominally a new Department, the Board was an amalgamation of three existing Government Departments. The old Education Department had been responsible for a self-contained and highly organized system of schools providing elementary education for the children of working-class parents. The Charity Commissioners had the power to deal with certain endowed schools, but the processes involved were "complex and tedious."[3] Midway between the two was the Department of Science and Art, which by means of tempting grants pressed the claims of scientific subjects somewhat indiscriminately on schools of all kinds. By the Board of Education Act (1899) these three Departments were put under the control of a single Cabinet Minister and were then reorganized to form the "Elementary," "Secondary" and "Technical" Branches of the new central authority.

Just as the Act of 1899 established a single central authority for all grades of education, so the Education Act (1902) established a single local authority in each area, namely the County and County Borough Councils. In addition, however, out of regard for local feeling, the Act allowed Municipal Boroughs with 10,000 inhabitants and Urban Districts with 20,000 to become authorities for Elementary education only, a concession which has prolonged the artificial distinction between "Elementary" and "Secondary" education. The Act also brought Church Elementary Schools into the main stream of local finance, by charging their maintenance to the rates.

Officially the "Board" consists of a group of leading Cabinet Ministers, but as this august body has never met, the "Board of Education" has come to mean simply the President and the permanent officials, or more often the permanent officials alone.

[1] Board of Education Act (1899), Section 1.
[2] *Bryce Commission Report* (1895), vol. 1, p. 18.
[3] *Ibid.*, p. 64.

The chief function of the Board is to see that public money voted by Parliament for education is properly spent, and their whole authority rests ultimately on the power to withhold Treasury grants when dissatisfied with local arrangements.

With the responsibility for public funds goes the right of inspection, but the Board's Inspectors can do no more than suggest improvements and report to the Board. They cannot insist.

The Board's chief limitations, some of them self-imposed, are:

1. They do not provide, manage, or administer schools.
2. They have no direct authority over Universities, nor over schools conducted for private profit.
3. They have no right to engage, pay, promote, or dismiss teachers.
4. They do not prescribe or proscribe text-books, though they may criticize them through their Inspectors.
5. Nor do they any longer prescribe the curriculum, except in general terms.
6. They cannot interpret Acts of Parliament or settle points of law, but must use the law-courts.
7. They cannot dissolve and replace inefficient local Authorities.
8. They cannot audit the expenditure of local Authorities.[1]

The Board's function is mainly an advisory one, though if they so choose they can generally insist on their advice being followed.

The Bryce Commission of 1894–5, which was largely responsible for the Board of Education Act, had recommended that an Educational Council consisting of "persons specially conversant with education, holding an independent position"[2] should be appointed to advise the Minister in matters falling outside the ordinary routine of his department, and in appeals. The Act provided, it is true, for an educational council, under the title of the Consultative Committee, but the wording was so arranged that the Minister was under no obligation to consult it, and it was given no powers of initiative. In practice, therefore, it became only a standing departmental committee.

As the "Board" never meets, and the proposed Educational Council was never set up, it follows that the Board's policy has rested with the President and his permanent officials. But most

[1] *The Board of Education*, by Sir Amherst Selby-Bigge (Putnam, 1927), pp. 22–28.

[2] *Bryce Commission Report* (1895), vol. 1, p. 258.

of the Presidents have been transitory phantoms, passing on as soon as occasion offered to some more popular post. Between 1906 and 1939 there were seventeen changes of President. As a result, the control of the Board's policy has devolved mainly on the permanent staff.

For the first nine years the Board's policy was virtually in the hands of Robert Morant, the Permanent Secretary. A wise custom decrees that Civil servants should, where possible, remain anonymous. Since, however, the reaction from Morant's régime and the occasion of his resignation combined to change the Board's attitude to outside advice, it has been found necessary at this point to include a brief mention of Morant's character and policy.

Morant was a man whose dynamic temperament and tireless industry encouraged him largely to dispense with the assistance which advisory committees or an official Department of Intelligence could give. He knew what he wanted and was mainly concerned with putting his plan into action. This, in short, was to create a national network of secondary schools on the model of Winchester, his old school, and to make them available to all children, whatever their circumstances. Since funds were limited, he decided to curtail expenditure on other types of post-primary education and to put most of the eggs into his chosen basket. In consequence of this policy, the number of pupils in grant-earning Secondary Schools rose from 85,973 in 1904 to 539,660 in 1937. This rapid expansion was only made possible by a generous system of "free places" (now called "special places") for ex-elementary school children, inaugurated in 1907.

In the elementary sphere Morant helped to break down the isolation and narrowness of the schools by starting a new method of recruiting teachers. Wherever possible, he arranged that would-be elementary teachers, instead of being segregated in Pupil-Teacher Centres, should enjoy a full Secondary School course with boys and girls of their own age before starting on their professional training.

The attitude of the Board towards the local authorities was one of encouragement, but the grant regulations laid down were minute and exacting and did not always make sufficient allow-

ance for local conditions. These regulations were not generally relaxed until 1926.

In 1911 Morant's connection with the Board ended abruptly. An injudicious confidential circular for which he was officially responsible was made public, and as a result his position became untenable and he was transferred to another post. Morant had to some extent brought this on his own head by his lack of tact. "His fixed concentration of purpose," to quote his biographer, "was accompanied by a directness of manner and a forcefulness of speech which produced upon those who came before him for interviews or upon a deputation an impression of harshness and severity. . . . Minds that moved more slowly than his often felt disconcerted by the quickness of his moves, and his keenness in driving home a point sometimes left a sting behind."[1]

The consternation at the Board caused by Morant's departure may well be imagined. Those whose duty it would be in future to shape the Board's policy must have resolved never again to allow the Board to incur the charge of despotism. There are some who think that in their anxious desire to please, the Board have tended in recent years to give way too easily to external pressure. Be that as it may, they have set an excellent example to other Departments of State by their systematic use of expert advice from outside the machine.

In 1913 and 1914 the Government was planning a general educational advance, especially in alternative types of post-primary education, but the outbreak of War postponed the intended reforms. The War, however, had not long been in progress when a new sense of the importance of education began to make itself felt. In 1917 the Government decided to reorganize the national system without delay, and Mr. Lloyd George appointed Mr. H. A. L. Fisher, Vice-Chancellor of Sheffield University, as President of the Board. Fisher at once went to the root of the matter. Realizing, like Morant, that a system of education ultimately depends on the efficiency of the teachers, he set out to improve the personnel of the profession by increasing its attractiveness. In 1918 he appointed a Standing Joint Committee upon

[1] *Sir Robert Morant*, by Bernard Allen (Macmillan, 1934), p. 245.

Teachers' Salaries, an action with far-reaching consequences.[1] Two important changes were made in the organization of Secondary (Grammar) Schools. Special grants were provided to encourage sixth-form work, and external examinations were limited to two.[2]

Mr. Fisher will be longest remembered for the Education Act, 1918, which introduced the idea of an active and constructive partnership between the Board and the local Authorities which had not been possible when the 1902 Act was framed. The 1918 Act also contained the first serious attempt to tackle the problem of educating the adolescent on a national scale. Fisher's solution was to compel all children to remain in full-time attendance at school until the end of the term in which they became fourteen, to provide the older children with suitable practical and advanced instruction, and when they left school to compel them to attend part-time continuation schools up to the age of eighteen. Unfortunately the proposed continuation schools were abandoned owing to the post-War slump.

The Machinery of Government Committee (1918) did much to encourage the Board in their use of advisory bodies. In their Report they drew attention "to the constitution and procedure of advisory bodies concerned with educational matters, as indicating various directions in which a Department once definitely put in charge of a particular service should find itself enabled to develop with the object of making that service as efficient as possible."[3]

Again, taking the Board as a model, they mention as a prerequisite of good administration "the maintenance of close and cordial relations, through advisory bodies, between the Department, and the local authorities, and the individuals affected by its activities."

On the subject of inter-departmental committees the Report is still more complimentary.[4] "We draw particular attention to the administration of the Board of Education in establishing systematic relations with other Departments concerned with education as a means to particular ends. We believe that the

[1] See pp. 205–207.
[2] See pp. 201–204.
[3] Cmd. 9230, ch. 8, section 17.
[4] *Ibid.*, p. 53.

application of the same method to the problems arising in other divisions of the business of Government might enable Departments to arrive at an understanding that a number of questions are, from different points of view, a legitimate subject of simultaneous concern to more than one Minister, and must therefore be dealt with on this understanding by the Departments affected."

A number of Government Departments besides the Board are concerned with education. In peace-time the Admiralty, War Office and Air Ministry all have flourishing educational services of their own. The Home Office has a special interest in the young delinquent and is responsible for a national system of Approved Schools for boys and girls of 10 to 17, and for Borstal Institutions (16–21). The Board of Control have their own schools for the training of low-grade mental defectives. The Colonial Office directs the educational systems of the Colonies.

Besides the Departments responsible for schools of various kinds, the Treasury and the Ministry of Health have a deep interest in education, the Treasury as supervisor of the nation's finances,[1] the Ministry of Health as the authority responsible for loans on school sites and buildings. The Ministry of Agriculture is interested in education for rural life, while the Minister of Labour co-operates in the provision of Instruction Centres for unemployed juveniles.

II. OUTLINE OF THE BOARD'S ADVISORY BODIES, 1919–38

The Board employs two main types of advisory body: standing committees and councils, and *ad hoc* committees and commissions.

(1) *Standing Committees and Councils*

The Consultative Committee is the only standing advisory body whose scope is general. Since 1920, when it was reconstituted, it has been almost continuously in session, and has published seven important reports. The reorganization of Elemen-

[1] Thus Lord Emmott's Committee on the Superannuation of Teachers, though it included several eminent educationists, was a Committee of the Treasury and not of the Board of Education. The Treasury, and not the Board of Education, accounts for our grants voted by Parliament to Universities.

tary education in more recent years has been carried out mainly on the Committee's recommendations, and part of the Education Act, 1936, was designed to implement its scheme. Further important changes in post-primary education are likely to result from its latest report.[1]

Each of the other ten standing advisory bodies is permanently engaged on a particular educational problem. Four advisory bodies assist the Board to co-ordinate examinations and activities organized by bodies outside the Board's direct control. The Secondary School Examinations Council acts on behalf of the Board as a co-ordinating link between the schools and the eight University Examining Boards. Similarly, the Central Advisory Committee for the Certification of Teachers co-ordinates the various Certificates examinations and helps to adjust the supply of teachers in training to the demand. The Adult Education Committee co-ordinates the work of public and voluntary bodies for the further education of adults, while the Juvenile Organizations Committee, while it existed, did the same for the boys' and girls' organizations throughout the country.

Six standing committees advise on matters within the Board's direct control. One of these is concerned with the Science Museum, another with the Victoria and Albert and Bethnal Green Museums. Three advise on the salaries of teachers in different branches of education. The Grants Committee of the "National Fitness Council" advises[2] the Board on the laying out of money voted by Parliament for the promotion of physical fitness and recreation.

(2) Ad hoc *Committees and Commissions*

Sir Amherst Selby-Bigge, who succeeded Morant as Permanent Secretary, justifies the Board's *ad hoc* committees as follows: "It is very difficult to construct Standing Committees which shall not be unwieldy in size and yet shall have a personnel capable, in virtue of variety of experience, interest and point of view, of dealing with a large variety of topics. New topics constantly arise or become prominent or urgent in the field of educa-

[1] *Secondary Education* (1938), known as the Spens Report.

[2] Or, rather, "advised," for on the outbreak of war in September 1939, both the National Fitness Council and the Grants Committee were suspended.

tion, and a Standing Committee with a membership which changes only at stated intervals is sometimes at a disadvantage in this respect. The Board have, therefore, like all other Departments, had frequent recourse to *ad hoc* Departmental or inter-Departmental Committees."[1]

The *ad hoc* bodies, which are appointed for a special purpose and are automatically dissolved when they have presented their final report, may be divided into departmental, inter-departmental, and Royal Commissions, though the last group are strictly speaking independent of the Board.

(*a*) Departmental Committees fall into several sub-groups according to their subject. First may be mentioned the four committees set up, three by the Prime Minister of the day, during and just after the Great War, to inquire into and report on the position of the Classics, Modern Languages, Science, and English in the educational system of England and Wales. Only the reports on Classics and on English,[2] however, come within the scope of this inquiry. Three other committees have issued reports on curriculum problems, *Welsh in Education and Life* (1927), *Education for Salesmanship* (1931), and *Education for the Engineering Industry* (1931). These last two were not departmental committees of the ordinary kind. Their aim was not merely to take evidence and draft reports, but to work out policy in intimate co-operation with the officials of the Board.[3]

Another important sub-group are the Departmental Committees set up to inquire into special aspects of the health of the school child, a subject in which the Board have taken increasing interest since the foundation of the School Medical Service in 1908. These committees have dealt with *Enlarged Tonsils and Adenoids* (1929), *Defective Vision in School Children* (1931), *Partially Sighted Children* (1934), and Anthropometric Data (no report published). Deafness was the object first of a special investigation by a single expert, and then of a Departmental Committee, while Mental Deficiency was considered by an Inter-Departmental Committee.

A third sub-group of committees have been concerned with

[1] Selby-Bigge, *op. cit.*, pp. 211–12.

[2] See pp. 210–12.

[3] See *Year Book of Education for 1932*, p. 14.

problems of organization and administration. These include *Organization of Secondary Education in Wales* (1920), *Scholarships and Free Places* (1920), *Public Libraries in England and Wales* (1927), *The University of London* (1926), *Private Schools* (1930), and *Advanced Art Education in London* (1936).

Two committees have dealt with the training of teachers.

Finally mention may be made of five conferences of an advisory nature, two of which appointed committees to draft and submit a report. These were on *Universities and Training Colleges* (1928), and *Co-operation in Technical Education* (1936).

(*b*) Five Inter-Departmental Committees have been set up, in each case in conjunction with a different Government Department. The subjects of inquiry have been:

Mental Deficiency, with the Board of Control (1929),[1]
Education and Industry, with the Ministry of Labour (1928),
The Practical Education of Women for Rural Life, with the Ministry of Agriculture and Fisheries (1928),
Education and Training of Students from Overseas, with the Board of Trade (no report published), and
Road Safety among School Children, with the Ministry of Transport (1936).

In addition, on two occasions a single investigator has been appointed in conjunction with another department. The first investigator made *A Study of the Deaf in England and Wales, 1930-1932*, and submitted his report both to the Board and to the Ministry of Health. The second reported to the Board of Education and the Board of Trade on *The Choice of Employment for Juveniles in England and Wales* (1921).

(*c*) Only two Royal Commissions have been set up during this period, those on *Oxford and Cambridge Universities* (1922), and on the *University of Durham* (1935).[2] Both were followed by appropriate legislation. Royal Commissions on educational subjects seem nowadays confined to inquiries into the Universities, though it is interesting to note that one such inquiry, that on London University, was conducted by a Departmental Committee.

[1] See pp. 212-16.

[2] See pp. 216-18.

When considering the success or failure of the recommendations of these various advisory bodies, one must remember that they have mostly worked in years of special difficulty. In the twenty years from 1919 to 1938 there were three periods when stringent economy was necessary, the post-War slump of 1922–24, the world slump of 1930–32, and the rearmament years, 1935 onwards. As a result, two of the Board's Standing Committees have been seriously handicapped, namely the Science Museum Advisory Council, and the Juvenile Organizations Committee. One of the reports of the Consultative Committee has never been implemented,[1] while several important suggestions of the successful Hadow Report have not yet been carried out.

As a rule, the *ad hoc* Departmental and Inter-Departmental Committees and the Royal Commissions have not been greatly hindered by financial considerations. Suggestions for the reform of the curriculum, for instance, can usually be carried out without much extra cost.

Few of the numerous reports have necessitated legislation, but that does not imply that few have been important. In education the greatest reforms are a matter of outlook, and these twenty years have seen a remarkable change in this respect. At the beginning of the period attention in the schools was still focused on subjects of instruction. It was assumed that all children are more or less alike, and that the same curriculum will do equally well for every one. At the end of the period this notion was rapidly breaking down. Report after report has emphasized the enormous differences, emotional, physical and intellectual, that separate not only one child from another, but the same child from himself at different ages. These discoveries have revolutionized teaching methods in nearly every type of school, and are necessitating a complete reorganization of the educational system, which includes the creation of new types of post-primary school.

On a general view, the Board's advisory bodies are to be congratulated on the part they have played in reforming the educational system of this country both internally and externally. Their part might have been still more prominent if the Board's attitude to publicity were less cautious.

[1] See pp. 188-89.

III. THE CONSULTATIVE COMMITTEE

The Consultative Committee consists "as to not less than two-thirds, of persons qualified to represent the views of Universities and other bodies interested in education."[1] An analysis of the twenty-one members appointed in 1920 may be of interest, since their average length of service was nine years. The results are: Representatives of Primary Schools, 1; Secondary Schools, 4; Technical education, 2; Adult education, 2; Training Colleges, 3; Universities, 3; Local Education Authorities, 2; Various, 4. The members included former pupils of Manchester Grammar School, Huddersfield Collegiate, Eton, Rugby, Winchester, and the Borough Road Training College. One member had been a pupil-teacher, three had been privately educated. Two were Fellows of the Royal Society, four had studied at foreign Universities. Nearly half the members had won first-class honours, to say nothing of University Prizes. Later changes have not weakened the collective strength of the Committee.

The functions of the Committee were to be:

(*a*) to frame, with the approval of the Board of Education, regulations for a register of teachers; and

(*b*) to advise the Board on any matters referred to the Committee by the Board.[2]

It will be noted that no independent authority was allowed to the Committee, that the Minister was under no obligation to consult it, and that it was given no power to suggest subjects on which it would like to report. Of the Standing Advisory Bodies set up in more recent years several have been given far wider scope and are allowed not only to choose their own problems for investigation, but to wield executive power. Yet the constitution of the Consultative Committee, despite the efforts of its members has never been materially altered. The duty of keeping a register of teachers was soon transferred to another body.

From time to time a fresh subject is referred to the Committee by the Board. This it proceeds to investigate, submitting its report at the end of two years or more. During this period,

[1] Board of Education Act, 1899, section 4

[2] *Ibid.*

though it can, like all the Board's advisory bodies, call on the full resources of the Board and may interview any of the Board's officers, it has apparently no official communications with the Board.

With all its restrictions the Committee has a most creditable record of service and achievement. Between 1920 and 1933 it investigated six large problems, spending roughly two years on each. Its most recent inquiry, begun in 1933, ended in December 1938 with the publication of the *Spens Report*[1] on Secondary Education. A short account of two of the Committee's investigations will help to make clear its position and influence.

In August 1926 the following question was referred to the Consultative Committee:

> To inquire as to the selection and provision of books for public elementary schools, and to make recommendations for the improvement of their quality and supply.

In November 1928 their report[2] was published, but what has happened to it since is a mystery. It must have been widely read, for it was reprinted the next year. To-day, more than ten years later, little progress has been made in most areas, except in so far as local Authorities have co-operated with County and City Libraries, whose power to help has been due largely to the generosity of the Carnegie Trustees.

Among other things, the Committee strongly recommended that Authorities, either singly or in co-operation, should establish Book Rooms, where teachers could inspect new educational books, and that Book List Committees should be formed to draw up short annotated lists of books for the teachers in each district. The cost would be negligible, since teachers would give their services free, but these Committees still do not exist in many areas. The "Book Room," if there is one, is often just a few shelves in the office of the clerk in charge of school supplies, or perhaps a bookcase in some committee-room or passage. Yet the cheapest and best way of improving schools is to keep the teachers in close touch with the latest educational ideas and text-books.

[1] So called from its Chairman, Sir Will Spens, who succeeded Sir Henry Hadow as Chairman of the Committee early in 1934.

[2] *Books in Public Elementary Schools* (1928).

Besides, educational publishers are most generous with their specimen copies, and are always willing to help stock a book room.

One can only conclude that the authorities, whether at the centre or the circumference, simply do not care enough about it. The pity is that there has been in recent years a wonderful improvement in the quality and production of school books, of which many teachers in country districts are as yet but dimly aware.

This situation well illustrates the impotence of an advisory body once it has reported. Unless the educational authorities are willing to take the matter up, or public opinion is strong enough to compel action, a first-class report may disappear almost without trace.

By way of contrast, the Consultative Committee's report which immediately preceded the above has completely changed the national system of education in this country. Though the Committee had already issued two reports during the Chairmanship of Sir Henry Hadow and later issued three more,[1] the name of "The Hadow Report" was popularly given to *The Education of the Adolescent* (1926), and is now used in official publications.

The main thesis of the report was that, instead of "secondary" education being restricted to a mere 10 per cent of the population, some form of post-primary education should be made available for all normal children between the ages of 11 and 14, and as soon as possible between the ages of 11 and 15. For this to be made effective, it recommended that primary education should be regarded as ending at about the age of "11 plus." "A second stage should then begin, which should, as far as possible, be regarded as a single whole, within which there will be a variety of types of education, but which will be generally controlled by the common aim of providing for the needs of children who are entering and passing through the stage of adolescence."[2]

This suggested policy fitted in most conveniently with the Board's plans. When the part-time continuation clauses of the 1918 Act were abandoned, it became clear that to raise the school-

[1] See Appendix, p. 452.

[2] *The Education of the Adolescent* (1926), p. 173.

leaving age was now the best method left of tackling the problem of adolescence. The Board therefore welcomed the proposed break at "11 plus," as this would allow a 4-year course in the Junior School (7–11) and a 4-year course in the Senior School (11–15).

After commending the report to local Authorities and allowing time for it to sink in, the Board published a pamphlet,[1] explaining in detail the principles of reorganization and the best means of adapting them to suit local needs. Raising the leaving age would, of course, mean building new schools or enlarging old ones, and the problem arose as to how the Voluntary denominational schools that could not afford the additional expense could be included in the scheme. The necessary Bill for raising the leaving age was brought forward in the winter of 1930–31, but was thrown out by the House of Lords partly owing to a damaging amendment which had been accepted in the Commons.[2] It was not till December 1935 that the Bill was reintroduced. This time it became law. Besides raising the normal leaving age to 15 after September 1, 1939,[3] the Act allowed grants of from 50 per cent to 75 per cent to be made to the Voluntary schools of the cost of providing fresh accommodation for children over 11.

At the end of March 1937 72·6 per cent of all senior children in Council schools were in reorganized departments, but less than 32 per cent of those in Voluntary schools were so placed. The 1936 Act has done much to speed up reorganization, but many years must pass before it is complete in rural areas.

The success of any educational reform on a large scale requires the active co-operation of four distinct groups: the Board of Education and the Treasury, the local Authorities, teachers, and parents. In the case of the report on *Books in Public Elementary*

[1] *The New Prospect in Education* (Educational Pamphlet, No. 60).

[2] This was the famous Scurr Amendment proposed by John Scurr, M.P., who represented Roman Catholic interests. In effect it would have postponed the operation of the Act until a further Act had been passed authorizing expenditure out of public funds on increasing the accommodation in non-provided, i e., Church Schools. The amendment therefore turned the Act into a pious aspiration and contributed to its rejection by the Lords

[3] On September 1, 1939, however, the evacuation of school children from London and other large towns began, and it was found necessary to postpone the raising of the school-leaving age.

Schools, the local Authorities were mostly apathetic; the Board, having other irons in the fire, were not prepared to press the matter; while most of the parents were unaware of the problem. Without backing from one or more of the other groups the teachers were powerless. Thus the report fell mainly to the ground.

In the case of the Hadow Report, the Board had long been seeking an acceptable means of supplying post-primary education in one form or another to the majority of school children, whose education had been ending at the very age, 14, when it begins to have most effect. The Committee's solution, namely, Secondary Education (in its widest sense) for all, with a transfer from the Junior School at "11 plus," was a god-send. It was not a new idea, but an authoritative restatement of a view that had been gaining ground steadily since the Great War. The Committee had the strongest backing from doctors and educational psychologists for the break between 11 and 12, and could point to a number of areas in which the proposed scheme was already prospering.

Faith in the traditional secondary school curriculum, with its over-emphasis on the formal training to be derived from the Classics, had gradually given place in the minds of many to grave doubts. There was a growing realization that individual children differ enormously in their interests and gifts, and that hitherto the curriculum in secondary schools had been dictated not by the requirements of the normal boy, but by the special needs of the handful who were preparing for University scholarships. For the boy of average intelligence something quite different might be preferable. The report of the committee on the teaching of English, which put forward unanswerable claims for English as the core of the school curriculum, had already helped to solve the problem of what should be taught in the new Senior Schools. All that was needed was a flash of insight to set the educational world ablaze, and this the Hadow Report supplied.

Reorganization has not, however, proceeded at an equal pace in all areas. In most rural districts the opposition both of teachers and parents has slowed down progress considerably. The extra distances that older children are called on to travel, the draining

into towns of the brighter pupils from the small country schools, and the consequent break-up of village life—all these are valid arguments against reorganization. Nevertheless, the educational gain to the children concerned is so apparent that opposition is gradually melting away.

The task of framing regulations for a register of teachers proved unexpectedly difficult, and was after all not entrusted to the Consultative Committee. The first Registration Council, set up in 1902, consisted of six persons nominated by the President of the Board and one elected by each of six teaching bodies. The Register was divided into two parts, column A containing the names of teachers in Elementary schools, column B the names of teachers in other types of school who satisfied the prescribed conditions. When this division into categories proved objectionable, the Board were at first inclined to abolish the Register altogether, but this also met with strong opposition. By the 1907 Act the former Register was ended and power granted for the formation of a new Council, representative of the teaching profession, who would form and keep a satisfactory register in alphabetical order, in one column. Not until 1912, however, was the Teachers Registration Council established by Order in Council. Even then it could not be "representative of the teaching profession," for until the Register was compiled a profession could not be said to exist. Finally, in 1926, a new Order in Council provided that the Council should consist of twelve representatives nominated by the Universities, together with thirty-six representatives elected by Registered Teachers voting according to the type of work to which they belonged.

No penalty or inconvenience has hitherto attached to non-registration. Yet the Society has considerable support, and its present membership of nearly 90,000 represents about 55 per cent of all those who are eligible for membership. The time may soon come when all posts of responsibility in the public teaching service will be reserved by the Board for Registered Teachers. Meanwhile the Register is a symbol of unity in the teaching profession, rather than the useful instrument that it might be.

IV. OTHER STANDING ADVISORY BODIES

A. Victoria and Albert Museum Advisory Council

The Victoria and Albert Museum Advisory Council was set up by the Board of Education in 1913, its twelve members being selected as representative of various interests and nominated by the President. The function of the Council was twofold, to advise on any matter referred to it, and to suggest subjects for investigation and report. It was to make an annual report on its proceedings to the Board, together with observations on the condition and needs of the Museum. The report was also to contain a review of the previous year's purchases and an account of the scheme of purchase for the current year proposed by the Director. These annual reports of the Council to the President have always been treated as confidential and are never published.

In April 1932 the Council's terms of reference were revised so as to lay special emphasis on the importance of keeping the Museum up to date and of encouraging schools and other institutions to make fuller use of its facilities.

The Report for the Year 1937 gives a good picture of the valuable work of the Council. Three meetings were held, in January, April, and June, after each of which the Council visited one of the departments of the Museum. Early in the year a successful "Boys and Girls" Exhibition was held, and later there was an exhibition of portraits of Kings and Queens of England. Various departments of the Museum held special exhibitions. In reviewing the principal acquisitions and bequests of the year, the Council expressed satisfaction at the number of noticeable gaps which had been filled. The total expenditure was about £17,000, of which over £5,000 came from private sources. The report comments on the steady improvement in the arrangement of rooms, and the display of objects to the best advantage for all classes of the public. Elsewhere, however, the Council admits that it continues to be much concerned with the increasing pressure of space in the Museum.

The acquisitions of the Bethnal Green Museum, which is also under the jurisdiction of this Advisory Council, are listed at the end of the report.

During the year 1937 there were 763,439 visitors to the Victoria and Albert Museum, and 287,560 to the Bethnal Green Museum.

The Advisory Council consisted in 1938 of seventeen members, including the Earl of Harewood, its Chairman. Among the members were Sir Reginald Blomfield, Sir Stephen Gaselee, Lord Harlech, and Mr. E. McKnight Kauffer.

B. Science Museum Advisory Council

The Science Museum Advisory Council was set up in 1913 on the recommendation of a departmental committee which had urged the need for "expert advisers in the various departments of Pure and Applied Science." The Council, which consisted of Sir Hugh Bell as Chairman, and ten ordinary members, was appointed directly by the President. The terms of reference were:

> To advise the Board on questions of principle and policy arising from time to time and to make an annual report on their proceedings to the Board, together with any observations on the condition and needs of the Museum they may think fit to make.

The work of the Advisory Council was soon after restricted by the Great War, during which the Museum was partially closed. The annual reports ceased and were not resumed until 1920. Work on the eastern block of the much needed new buildings, begun in 1913, was likewise interrupted.

In 1921 the Council reported that the space available made it possible to exhibit only three-quarters of the collections, and even these were greatly overcrowded. All available storage space was in use, and the important acquisitions which kept arriving added to the congestion. Next year the half-finished Western Galleries, of which the Museum had been making temporary use, were allocated to the Imperial War Museum. The loss of the Western Galleries before the new buildings were ready meant that the available exhibition space was reduced to little more than it had been in 1893.

In 1923 the building operations on the eastern block were resumed after an interval of nine years. Two years later the whole of the eastern block, except for the eastern galleries, was ready and the collections could be arranged effectively in well-designed

and well-lighted galleries. From the moment that the new galleries were opened, the number of visitors, which had gradually been decreasing, shot up, and they actually doubled within three years. Clearer proof of the value of the Museum could not have been given, yet in 1929, when there were over a million visitors, the Advisory Council was still asking for the centre block.

"Until the new Centre Block has been provided," they wrote in their report, "modern practice in every group must continue to be inadequately represented, and developments which are desirable, and indeed necessary, in various departments cannot be undertaken effectively."

Action was taken in 1930, but the Board, instead of adding the extra buildings which were so long overdue, merely added six members to the Advisory Council and enlarged its terms of reference. Further additions were made to the Council in the following year, its membership being increased to thirty-two. These changes had been recommended by the Royal Commission on National Museums and Galleries which reported in January 1930 and suggested that the Advisory Council should be given a larger measure of initiative, and strengthened "(1) by making it more fully representative of scientific and technical institutions and industrial groups, and (2) by amending the present terms of reference so as to assign to the Advisory Council a more active part in the management and development of the Museum."

Of the thirty-two members in 1931, twenty-four were nominated by various scientific institutions, five, including the Chairman, by the Board of Education, while the remaining three were members of the former Council whose terms of office had not yet expired. All the members, however, received their actual appointment from the President. Their term of office was to run for six years.

The new terms of reference included the duty of advising the Board on "the co-operation of the Museum with Industry and its relations with Societies for the advancement of Science or Manufactures, with Teaching Institutions, and with Provincial Museums."

The reorganized Council began its term of office under most favourable conditions. The new members greatly added to its

prestige and incidentally assured a steady flow to the Museum of valuable and instructive models of modern industrial works. Sub-committees were set up, representative of the industries concerned, to take an active part in supervising and assisting the development of particular sections. The increased size of the Council necessitated a further change, the appointment of a small Standing Committee which was to meet four or five times annually. The danger that those members who were not on the Standing Committee might lose interest in the Museum was lessened by the appointment of the sub-committees mentioned above. These ensured not only that each member of the Council would continue to take an active part in the work of the Museum, but that his services would be used in that particular sphere where they would be of the greatest value.

The annual report of the Council had hitherto been published as an appendix to the main report of the Museum, but from 1930 onwards the Council took over responsibility for the whole report.

Starting in 1931, a sub-committee of the Advisory Council each year made a detailed inquiry into one of the five main divisions of the Museum. They surveyed the progress achieved, set forth the patent shortcomings, and made recommendations for the future development of existing sections. This detailed survey was ended in 1936, when the Science Library was similarly treated.

In 1933 the Advisory Council inaugurated a series of special exhibitions, the chief responsibility for which rested, not on the Museum staff, but on the industries themselves. The exhibiting industry arranged their display so as to draw the attention of other industries to their products, rather than to attract the interest of the general public.

Draft plans for the new Centre Block were finally prepared in 1931 and approved by the Council, but at this moment the world slump reached England, and the building was once more indefinitely postponed. A glance at the chart of yearly attendances from 1929 to 1937 tells plainly of the continued failure of the Council's plea for more buildings. Since 1935, when 1,327,190 visits were recorded, the numbers have been falling and in 1937 they decreased by over 55,000.

In 1935 the plans were once more revised, and once more the Council emphasized the urgency of the matter. "Science and industry," they wrote, "are a dominating factor in modern life, and the fact that a large part of its permanent national exposition is still housed in the buildings of a temporary exhibition of 1862 invites unfortunate comparison with similar institutions in other countries, and cannot be a source of pride to a country where industry has played such a prominent part." This restrained indictment shared the fate of all previous efforts. Where an appeal to common sense had repeatedly failed, it was unlikely that an appeal to national sentiment would be successful. 1935 saw the start of Britain's rearmament programme, which provided a good excuse for still further postponement of the work.

The history of the Science Museum Library is a repetition of the history of the Museum. In recent years the Library has come to be regarded as the international information centre for science and technology, but its success seems only to have embarrassed the authorities. Instead of making suitable provision for the future, they have for the past ten years adopted short-term palliatives which have thrown a great deal of extra work on the Library staff and do not conduce to the efficient performance of the main functions of the Library, namely to preserve its books and issue them on demand with reasonable promptness.

C. Juvenile Organizations Committee

The Central Juvenile Organizations Committee, or J.O.C., was originally set up in 1916 as a Standing Committee of the Home Office, to assist in dealing with a specific emergency—the increase in juvenile delinquency noted in that year. It was hoped that this central committee would co-ordinate, strengthen and extend the work of the various voluntary organizations which catered for the recreative and social interests of children and "young persons," and so divert into healthier channels the surplus energy of the potential delinquent. To give effect in each area to the objects of the Committee, a number of local J.O.C.s were formed on the model of the Central Committee. In 1920 there were about 120 of these, 62 being in County Boroughs.

Early in its deliberations the Central Committee was impressed

by the lack of dependable information about young offenders. A special form was, therefore, devised on which returns were obtained from Courts in four representative areas. In all, 7,000 case-sheets were analysed. The results, published in 1920,[1] showed clearly the deficiencies of the existing Court system and thus hastened its dissolution.

The Education Act, 1918, having recognized the social and physical training provided by voluntary agencies as an object which local Authorities might assist, the Central J.O.C. was transferred to the Board of Education in 1920 and reconstituted, with the Parliamentary Secretary as the Chairman.

The history of the movement since 1920 is a sad one. In the period of trade depression, which began soon after the Great War, one of the most unfortunate results was the extent and duration of juvenile unemployment. At a time when no effort should have been spared to bring Juvenile organizations up to the highest pitch of efficiency, the entire movement was allowed to collapse, and "the Central Committee itself went into 'winter quarters' from 1922 to 1924."[2] Despite this loss of central support, perhaps forty or fifty local J.O.C.s struggled on. Any assistance given by local Authorities attracted a 50 per cent grant from the Exchequer, but few gave assistance. Without adequate funds local Committees either died out or, in their attempts to raise money, found themselves competing with the organizations they were intended to co-ordinate and assist.

In 1924 the Central Committee was requested by Mr. Trevelyan, the new President, "to revive the work to the fullest possible extent," and the Exchequer grant was raised from 50 per cent to 75 per cent. Yet the Board's report for 1924–5 speaks of only fifty to sixty local Committees in all. The special grant was ended by the Conservative Government in March 1927, after which date the movement once more began to decline.

In June 1928 a Conference was held at the Board in the hope of reviving activity and interest. The only tangible result was an offer by the new Permanent Secretary to instruct inspectors to keep in close touch with local Committees and attend their

[1] *Juvenile Delinquency* (1920).
[2] *The Board of Education* (Selby-Bigge), pp. 207–8.

meetings. What was needed was a full-time paid secretary in each area, but this the Board was not prepared to press.

Though first set up to combat the spread of juvenile delinquency, the interests of the better local Committees had gradually widened until their purpose was the positive one of trying to meet the needs of all young people. This widening of scope was reflected in changes in the Central Committee, which was reconstituted in 1929, and in a restatement of the aims and objects of the movement.

In 1934–5 the Committee was once more reorganized under a new Chairman, and published a valuable report on the need for youth community centres on new housing estates.

The Central Committee took a prominent part in the developments which influenced the growth of the Fitness movement in its early stages. But after the formation of the "National Fitness Council" early in 1937, responsibility for the Central Committee was transferred to that body. This was in November 1937, and the National Fitness Council thereupon appointed a new Juvenile Organizations sub-committee from its own members.

Within six months the National Fitness Council produced a valuable memorandum on the constitution and work of local J.O.C.s. They stressed the need of a better informed public opinion, of expert instructors and leaders, of suitable equipment, fields and premises. They attributed the comparative failure of the movement in the past to two main causes—ignorance of its purpose and inadequate funds. They drew attention to the new grants available under the Physical Training and Recreation Act, 1937, and urged the formation of a J.O.C. in the area of every local Authority responsible for all branches of education. But without the full-time services of a secretary of ability, knowledge and initiative, whose salary should be paid by the local Authority, they were convinced that the work could not be adequately carried out, at least in large areas.

D. Adult Education Committee

In 1919 a Committee on Adult Education appointed by the Ministry of Reconstruction came to the following conclusions:

(1) that Adult Education is not a luxury for a few exceptional

persons, but a permanent national necessity, an inseparable aspect of citizenship; and

(2) that the opportunity for Adult Education should be spread uniformly and systematically over the whole community, and so find its proper place in the national educational system.

It was clear that if there was to be uniformity and system, some central co-ordinating body should be set up. Accordingly in 1921 the President of the Board appointed an Adult Education Committee, "to promote the development of liberal education for adults and in particular to bring together national organizations concerned with the provision of Adult Education, so as to secure mutual help and prevent overlapping and waste of effort; to further the establishment of local voluntary organizations for the purpose and of arrangements for co-operation with local Education Authorities, and to advise the Board of Education upon any matters which the Board might refer to the Committee."

This Committee has been in existence ever since, though it has never been put on a permanent footing, but is prolonged or reappointed every two or three years. At its first meeting on reappointment it decides the subject of its next inquiry. Between 1921 and 1933 the Committee produced eleven papers. These were of varying length and importance, but mention may be made of Paper 3, on the *Development of Adult Education in Rural Areas* (1922), and of Paper 6, on the *Drama in Adult Education* (1926). Among the witnesses whose evidence was incorporated in Paper 6 were Sir Barry Jackson, Granville Barker, Nugent Monk, Lena Ashwell, Lilian Baylis, Rutland Boughton, and John Masefield. For many years the Committee has co-operated with the Prison Commissioners in securing voluntary workers to help in the extension of Adult Education in prisons. The movement began in 1921–2, and by 1925 there were 600 classes, attended by 8,500 prisoners.

A sub-committee discussed in detail with officers of the Board the draft of the new Adult Education Regulations, first issued in 1924. Previously Adult Education had been a side-line of the Technical branch of the Board. The regulations in their final form owed much not only to the work of the sub-committee, but to the various papers published by the full Committee.

As originally constituted the Committee consisted of thirty-two members, nearly all of whom were playing an active part in the organization of Adult Education. It met frequently and to such good effect that its ninth paper appeared in 1927. These frequent meetings, no doubt, had the desired effect of bringing together the various national organizations to their mutual benefit. It is significant, however, that with the increase of the Committee to thirty-six in 1927 and to forty-three in 1930 its speed of working correspondingly decreased. The Committee appointed in 1933 contained no less than fifty-three members, besides a number of assessors from the Board of Education and the three fighting services. By the end of 1938 it had already spent five years on its inquiry into the place of the Arts in Adult Education. The work of investigation was entrusted to a sub-committee of about twenty, and the full Committee seldom met; in 1935 and 1936 not once. There seems a real danger that the work of co-ordination may be neglected or pass to less representative bodies. One remedy would be to eliminate members whose interest in Adult Education is incidental rather than vital. These might best be used as outside advisers, to whom reports could be submitted in draft for their observations.

E. Secondary School Examinations Council

As recently as 1917 there existed in Secondary Schools "a dense jungle of unco-ordinated and unstandardized examining bodies"[1]—Universities, professional bodies, the Civil Service, the Army—each competing for the attention of the schools. In consequence the upper forms of many schools were in a state of chaos, for there was no machinery to secure either a general uniformity of standard or the interchangeability of Certificates. In 1917, after long consultations with the Universities, local Authorities, and schools, the Board decided to recognize only two examinations in Secondary Schools, "The First," or School Certificate, and "The Second," or Higher Certificate Examination.

The standard for a pass in the First Examination, to be taken at the age of 16 or 16½, was to be "such as may be expected of

[1] *The Silent Social Revolution*, by G. A. N. Lowndes (O.U. Press, 1937), p. 116.

pupils of reasonable industry and ordinary intelligence in an efficient Secondary School."[1] Again, "It is a cardinal principle that the Examination should follow the curriculum and not determine it," and it was assumed that the principle of "easy papers and a high standard of marking" would be followed. The Board decided that the First Examination could be made also to serve as a qualifying examination for entrance to the Universities (i.e. in place of Matriculation), and be accepted in place of special examinations for entry into the professions.

The Second Examination, or Higher Certificate, was intended as a sixth form examination for those who had continued their studies for about two years beyond the stage of the First Examination. These advanced courses would admit of a reasonable degree of specialization and would be mainly confined to a connected group of subjects.

The functions of a Co-ordinating Authority have been exercised by the Board with the help of the Secondary School Examinations Council. As originally constituted in 1917, the Council consisted of a Chairman and twenty-one ordinary members, ten of whom represented the Universities, five the local Authorities, and six the Teachers. The Council was charged among other duties with that of "assisting the Board in the maintenance by bodies approved for the examination of Secondary Schools of an adequate standard both for a pass in the examinations and for a pass with credit." "All matters falling within the functions of the Co-ordinating Authority," it has been stated,[2] "stand referred to the Council, which conducts on the Board's behalf all ordinary business, correspondence and conferences connected with the co-ordination of examinations, but the Council are directed to consult the Board before committing themselves on questions of principle or policy which are controversial or specially important. This Council is peculiar in that executive powers are delegated to it, and the members are appointed on the nomination of Universities, Associations of local education authorities and the Teachers' Registration Council. It reports to the Board, and the Board's Officers may attend its meetings and speak but not vote."

Both the First and Second Examinations are periodically

[1] Circular 849. [2] By Sir Amherst Selby-Bigge, *op. cit.*, pp. 209–10.

reviewed. In 1918–19 the Council carefully investigated the seven First Examinations which had been provisionally recognized, and in 1920–21 the corresponding Second Examinations. On each occasion the various Examining Bodies agreed to remedy the defects indicated, and on this understanding the Examinations were definitely recognized. The Certificates of the Central Welsh Board were recognized later. Meanwhile, after a series of delicate negotiations, the Council had persuaded almost all the professional bodies to recognize the Certificates.

In order to prevent specialization at too early an age, and to secure a liberal education on a broad basis, a Group System had from the first been introduced into the School Certificate Examination. To qualify for a Certificate, a candidate had to pass in at least five subjects, with credit in one, and these had to include a subject from each of Groups I, II, and III, or English subjects, languages, and Scientific subjects. In 1923–4 a fourth group was started, consisting of Art and Music. Under pressure from the Council this group was gradually increased to include Handicraft, Domestic Science, and other practical subjects.

From time to time proposals for the alteration of the Group System were put forward, but until recently only minor modifications were introduced. These did not satisfy the Head Mistresses Association, which had long been urging that a pass in Group I, together with a pass in any two of the remaining Groups, should constitute a pass in the Examination. In 1926, when this proposal was first made, the Council, realizing that it involved a question of policy, consulted the Board, who suggested retaining the pass in each of Groups I, II, and III, but that two subjects might be offered from Group IV instead of one.

Between 1926 and 1936 the Board seem to have changed their mind. In 1926 they evidently shared the view of the University representatives on the Council, that the existing Group system was not in need of any considerable alteration. But in March 1936 they reconstituted the Council so as to give the Universities only a third of the seats instead of nearly half. One third were given to the local Authorities, and the remaining third to the Teachers. The control of the Council thus passed out of the hands of the University representatives, with the result that in

1938 a majority recommended that the Board should award a Certificate without requiring a pass in both the language and the science groups. To this the Board agreed, stipulating, however, that a candidate who takes advantage of this new concession must pass in at least six subjects, one of which is English.

There has recently been much criticism of the School Certificate Examination on the ground that it leads to undue pressure on boys and girls at an age when it may be particularly injurious to their health. This, however, is due to the very success of the Examination. It has been so widely accepted as a criterion of ability that many children who are not really up to the mark are forced by their parents' ambition or by economic pressure to overwork, often in a vain attempt to reach Matriculation standard. The Council was, admittedly, responsible for arranging with the Universities that a pass with certain credits should exempt a candidate from Matriculation. They could not have foreseen that employers and parents, instead of being satisfied with the School Certificate, would start clamouring for Matriculation standard. The Council have recently been trying to detach the School Certificate from Matriculation and confine the latter to genuine candidates for a University education.

The work of the Council has been complicated by the extraordinarily rapid increase in the numbers of pupils in Secondary (Grammar) Schools since 1914. Many of the present pupils are unsuited to the traditional Grammar School education and would benefit by a more practical approach, but in the absence of a satisfactory alternative, they have crowded into the Secondary Schools, to the increasing embarrassment of the Council. The period of rapid expansion is, however, ended, and it should not be long before the Council succeeds in so adapting the School Certificate to the needs of pupils in Secondary Schools that the Examination will at last "follow the curriculum and not determine it."

F. The Burnham Committees

In 1914 the average salary of Certificated Head Teachers in Elementary Schools was £177 for men and £126 for women. For Certificated Assistants the average salaries were £129 and

£96, and for Uncertificated £76 and £69. Even when allowances are made for the low cost of living, it is clear that many teachers were grossly underpaid. Their grievances were to some extent met by war-bonuses, and in 1917 the Exchequer grant for Elementary Education was increased to improve teachers' salaries. The report of the Departmental Committee upon Teachers' Salaries (1918) induced a number of Authorities to revise their scales, but there were others who hardened their hearts. In some cases the teachers went on strike, and the schools were closed for several months.

In the summer of 1918 Mr. Fisher set up a Standing Joint Committee upon Teachers' Salaries, on which the National Union of Teachers and local Authorities were equally represented, "to secure the orderly and progressive solution of the Salary problem in Public Elementary Schools, by agreement, on a national basis, and its correlation with a solution of the Salary problem in Secondary Schools." The Committee met first in September 1919, under the chairmanship of Lord Burnham. In November it issued a unanimous report,[1] recommending a Provisional Minimum Scale, and by October 1920 this scale, or better, was in force in the area of every Authority. Meanwhile a further report, setting out three Standard Scales, II, III, and IV, designed to meet the variations in cost of living in different areas, was issued in September 1920. Scale I appeared in December.

A second Joint Committee was set up in May 1920 to deal with salaries in Secondary Schools, and a third in December 1920 for Technical and other schools. Lord Burnham accepted the chairmanship of both these new Committees.

The post-war slump reached England while the Board were still considering the Committees' reports, and several modifications were made in the scales in the interests of economy. This naturally caused dissatisfaction among teachers, while local Authorities found the Board's supervision of expenditure irksome.

It had been agreed that the scales should hold good until March 1925, after which they were subject to revision. Early in 1923, however, the teachers made a generous contribution to the

[1] Cmd. 443 (1919).

Exchequer by voluntarily forgoing 5 per cent of their salaries for the time being. In the autumn of 1923 the three Committees began to consider the scales that should come into operation after March 1925. A letter from the President of the Board to Lord Burnham stressed the financial importance of the matter in the eyes of the Government and expressed a hope that the Committees would "find it consistent with the maintenance of an effective and attractive teaching service that a considerable reduction of salary expenditure should be effected."

Despite this broad hint, the Committees were unable to reach agreement. During their deliberations the Conservative Government went out of office. Their sittings were prolonged right through the Labour Government's term, but neither side would give way. Finally, in December 1924, all three Committees decided to refer the issue, upon agreed terms, to the sole arbitration of Lord Burnham. In March 1925, after a long and patient hearing, Lord Burnham promulgated his Award, which was loyally accepted by both parties and by local Authorities and teachers generally. The new salaries approximated closely to 95 per cent of the previous scales, but increments would not start until the end of the second year of service.

In the following year a list of interpretations and decisions about the award was issued, together with a codification of the Board's decisions on the earlier scales, modified so as to conform with the new. The Committees subsequently undertook to prepare new Reports to include the Award, together with full notes and indices. These appeared in 1927.

Teachers' salaries came into prominence again during the 1931 slump, when the Government imposed a 10 per cent cut all round, which was not finally restored until July 1935. On April 1, 1936, Scale I was abolished, and Scale II is therefore the lowest Scale now in force.

The work of the three Burnham Committees,[1] however, continues. Fresh problems are constantly arising in the application of the scales, and these stand referred to the Burnham Committees. When necessary, they advise the Board to make amend-

[1] This has now become their official title, in memory of their first Chairman, Viscount Burnham, C.H.

ments in the provisions of the various scales. In this way a considerable body of "case-law" has grown up since the Committees' 1927 Reports. In 1938 the three Committees drew up fresh Reports, incorporating the various amendments, and revising the text to bring it into line with modern practice.

G. Central Advisory Committee for the Certification of Teachers

The Central Advisory Committee for the Certification of Teachers was established by the President of the Board in 1930. The Committee consisted of representatives of Universities and University Colleges, Governing Bodies of non-University Training Colleges, Local Education Authorities, and the Teaching Profession as a whole. A representative of Training Colleges for Domestic Subjects was added later. The function of the Committee is to maintain a general survey over the Final Examinations conducted by Joint Boards for students in Training Colleges, and to advise the Board upon questions arising thereon.

The Committee met first in November 1930. Since then it has met about once a year, to consider the results of the previous year's examinations and to discuss any points that may arise. At various times it has considered the re-examination of candidates who fail, the distribution of credits and distinctions, and the interchange of external Examiners to secure a more uniform standard.

A sub-committee was appointed in 1934 to obtain information about the financial position of the Joint Boards. As a result, a memorandum was issued to Joint Boards with suggestions as to the amount of fees to be charged to students. In 1935 a Standing Sub-committee was formed to consider any proposal for structural alteration of any of the Final Examinations that might be submitted by a Joint Board to the Board of Education and referred by them to the Committee.

No reports have been published by the Committee, and only meagre references to its activities are to be found in the Board's annual reports. Nevertheless it continues to fulfil a most useful function in helping to ensure as far as possible a satisfactory system and standard for the Certification of Teachers.

H. National Fitness Council and Grants Committee

The "National Fitness Council for England and Wales" is the most recent of the Board's Standing Advisory Bodies, and perhaps the most interesting. It was appointed by the Prime Minister in March 1937 as the result of a widespread popular demand for physical training facilities that would stand comparison with those available in authoritarian states abroad. The official designation of the Council was the "National Advisory Council for Physical Training and Recreation," but this cumbrous title has wisely been dropped. As originally appointed, the Council consisted of a Chairman (Lord Aberdare), a Deputy Chairman (the Hon. Edward Cadogan), and twenty-nine ordinary members, including a number of prominent British sportsmen and sportswomen, social workers, and physicians.

The Council was placed under the wing of the Board of Education, whose President and Parliamentary Secretary answered questions about its activities in Parliament. The Board, however, exerted no direct control over the Council, which was officially responsible to the Government as a whole. This point is made clear by Section I (1) of the Physical Training and Recreation Act, 1937, which confirmed the Prime Minister's action: "There shall continue to be two National Advisory Councils for Physical Training and Recreation, the one for England and Wales, and the other for Scotland, consisting in each case of such persons as the Prime Minister may from time to time appoint, whose principal duty it shall be to investigate, and advise His Majesty's Government with regard to, matters relating to the maintenance and improvement of the physical well-being of the people by means of exercise and recreation."

Besides the National Fitness Council, the Prime Minister had appointed a Grants Committee, consisting of Sir Henry Pelham, formerly Permanent Secretary of the Board, as paid Chairman, and two ordinary members, Mrs. R. C. Assheton and Mr. J. C. Fuller. The function of the Grants Committee was to make recommendations to the Board of Education, who were empowered by the Act to make grants in accordance with these recommendations to local Authorities and local or national voluntary associations. The Board might also, after consultation with the National

Fitness Council, on the recommendation of the Grants Committee and with the approval of the Treasury, "take steps for disseminating knowledge with respect to the value of physical training and recreation."[1] Thus the Board did, in effect, have the power of controlling the National Fitness Council, through the power of the purse. The exact relationship of the National Fitness Council to the Grants Committee was intentionally left vague, but it would not be far from the truth to say that the Grants Committee acted as an unofficial sub-committee of the Council.

In 1938 grants amounting to £1,217,742 were offered to local Authorities and local voluntary organizations towards the capital cost of schemes having a total estimated cost of £3,411,381. A large number of these schemes, however, included provision falling outside the scope of the Physical Training and Recreation Act. In addition, grants were made of 75 per cent of the salaries of full-time instructor-leaders. Grants were also made to the Central Council of Recreative Physical Training, to provide courses of training for teachers and leaders, and a sum of nearly £60,000 was distributed to national voluntary organizations. £200,000 was put at the disposal of the University Grants Committee for increased facilities in University institutions.

The National Fitness Council was very active in "disseminating knowledge with respect to the value of physical training and recreation." First-rate posters were displayed throughout the country, while an excellent illustrated booklet, *In Work or Play, Fitness Wins*, showed unmistakably that it had been compiled by a professional advertising expert.

Though officially the Council was only an advisory body, in practice, as these activities show, considerable executive powers were delegated to it. In the course of two years the permanent staff of the Council and the Grants Committee increased from seven to eighty. Meanwhile the following Sub-committees were set up: Propaganda, Sports and Games, Technical Policy, Juvenile Organizations, and Medical.

The chief strength of the National Fitness Council lay in the fact that the bulk of public opinion was behind it. Were the Board, on the advice of the Grants Committee or otherwise, to

[1] Section 3 (3) and 3 (1).

have curtailed the publicity projects of the Council, awkward questions might have been asked in Parliament. One thus had the strange position of the Board of Education, who have always shown hesitation in the field of publicity, officially sponsoring a thoroughly efficient and up-to-date publicity campaign. It is to be hoped that as a result of this experience the Board will decide on an improved publicity campaign of their own when the War is over, to hasten school reorganization on the lines of the Hadow and Spens Reports. From 1919–38 the activities of the Department of Intelligence and Public Relations[1] were still apparently controlled by the grudging Treasury minute which sanctioned the creation of this Department in 1895: "My Lords cannot but feel that the work now to be entrusted to the new Branch is liable to almost indefinite extension unless limits to its activity are resolutely imposed and maintained."

V. *AD HOC* ADVISORY BODIES

A. Departmental: The Teaching of English in England

In May 1919 the President of the Board appointed a Departmental Committee under the chairmanship of Sir Henry Newbolt to inquire into the position of English in the educational system of England. The Committee consisted of fourteen members, six of whom were women, and included John Bailey, F. S. Boas, J. H. Fowler, and Sir Arthur Quiller-Couch.

During the next two years the main Committee sat on forty-two days, and a Sub-committee appointed to prepare the Report met on eighteen days, an average of five meetings every two months. The Report,[2] which was unanimous, was published in November 1921. It received an unprecedented welcome, not only from the educational, but from the national Press. Some of the reasons for its success are found in the following passages from contemporary reviews:

"One has to rub one's eyes and look again on finding that a departmental committee of a Government Department has sent in a report that is a first-rate book, full of knowledge, humaneness,

[1] From 1895 to 1935 it was called the "Office of Special Inquiries and Reports."

[2] *The Teaching of English in England* (1921).

and wisdom, and written—whenever it can forget that it has to be a report—as people write for their own delight and the eyes of those of their friends who can tell good writing from bad. The Committee on which this spirit of rightness and light has descended is that 'appointed by the President of the Board of Education to inquire into the position of English in the educational system of England.' Such a title appals; you expect a great foolscap volume of lifeless, correct, perfunctory polysyllables, the kind of Sahara of words in which Education so often seems to be cast away, like the unfortunate goat, for the sins of the people. Instead, you find the most readable, winning attempt that has yet been made to tackle the evil and puzzle of all the bad English that now prevails in England, and even in Ireland, Scotland, and Wales."[1]

"In general, Government Reports and books about education can be taken as equal in the bad eminence of unreadability. A Report that is also a book about Education would seem, therefore, to open before our eyes an immeasurable abyss of dullness. But this Report, unique in several respects, is unique in its combination of lofty vision, plain truth, practical sense, and a certain vivacity. . . . The reader . . . will find, not dry, official recommendations, but essays of permanent importance written in delightful prose. . . . Thus this Report nowhere resembles the usual document with which it must be officially classed. It is not plaintive, or querulous, or indignant. . . . Outwardly the Report is not the usual repulsive Command Paper, but a pleasant small octavo of nearly 400 pages, published at the extraordinary price of 1s. 6d."[2]

The Stationery Office was caught unprepared: within a fortnight several editions were exhausted and the Report was out of print. Though no figures are obtainable, it is common knowledge that the Report still commands a steady sale, nearly twenty years after publication.

There can be no doubt that its influence has been profound. The attention now paid in schools of all types to systematic speech-training, and the stress laid on enjoyment as being the

[1] *Manchester Guardian*, November 5, 1921.
[2] *The Nation and Athenaeum*, November 12, 1921.

real test of an English literature lesson, are examples of this influence. One of the simplest and most effective ways of judging the effects of the Report is to compare the English text-books of to-day with those in use when the Committee was appointed.

B. Inter-Departmental: Mental Deficiency

Before 1914 local Authorities had the power but not the duty to ascertain and provide suitable education for educable mentally defective children. In 1914 this power became a duty, but it was not until several years after the Great War that local Authorities found time to reconsider their arrangements.

In the summer of 1924 Sir George Newman, Chief Medical Officer of the Board, called together a small informal committee. His intention was that they should assist the Board of Education and the Board of Control, who are the central authority for Mental Deficiency, by finding out first, how many mentally defective children there were, and secondly what was the best thing to do with them.

The Committee consisted of present and past members of the Medical Branch of the Board of Education, representatives of the Board of Control and outside experts, mostly doctors with special knowledge and experience. Only one of the Committee seems to have had any relevant teaching experience, and that was the Head Mistress of a "Colony" school for low-grade ineducable defectives. It is difficult to account for the complete omission of teachers both from Special Schools and normal Public Elementary Schools.

At an early stage the Committee decided that the scope of their discussions could not profitably be confined to children falling within the province of the Board of Education. They felt that their discussions should be extended to include low-grade ineducable children and also adults. This view was endorsed by the two Departments concerned, and early in 1925 the Committee became in effect a Joint Committee of the Board of Education and Board of Control. It was never formally constituted, and no specific terms of reference were laid down: the members were intentionally given wide discretion, so that they might organize their work according to the known wishes of both Departments.

The first problem was to discover the number of mentally defective children and adults. Dr. E. O. Lewis, a man with experience as teacher, administrator, psychologist, inspector and doctor, was chosen by the Committee as their investigator. Six representative areas, each containing a population of about 100,000, were selected, and in each of these Dr. Lewis and his staff spent about four months.

Though the ascertainment was necessarily incomplete for certain sections of the population, it was as complete, accurate, and thorough for the school population between seven and fourteen as could be wished. In 1929 the number of educable mentally defective children between the ages of seven and sixteen actually ascertained by local Authorities was 33,000. The Board of Education had reason to suppose that there were perhaps 10,000 more, but Dr. Lewis discovered that there were no less than 105,000 in all; in other words, that less than a third of these children had been officially ascertained. Dr. Lewis also found that 24 per cent of the low-grade ineducable defectives were attending ordinary Elementary Schools, and another 11 per cent were at Special Schools intended for the educable defectives. Of the educable defectives no less than 77 per cent were at the ordinary Elementary Schools.

It seems to be generally agreed that the establishment of a day Special School is unsatisfactory unless there are at least forty children on the school roll. Before Dr. Lewis's investigation the Board had found that a child population of 8,000, or a total population of about 55,000, was the minimum that could support a day Special School of this size. Even in larger towns, where a school with at least two or three classes should have been practicable, difficulty had often been found in securing the attendance of the right type of child, and the teachers' best efforts were hampered by the presence of lower grade or troublesome children, who should have been provided for elsewhere. This seems to have been recognized by many Local Education Authorities and to have checked the spread of Special Schools. In 1929 forty of the hundred towns in England and Wales with a population of over 50,000 made no provision for the mentally defective child. A few residential schools existed, but this is a most costly method

of provision, and in any case few parents of quiet, well-behaved defectives will consent to send them to live away from home.

Having formed the opinion that the existing system of Special Schools had broken down except in large towns, and that it was incapable of being applied in the country generally, the Committee cast around for a fresh system. This led them to suggest in their Report[1] a most revolutionary change. They recommended, first of all, that in future "all those children hitherto known as educable mentally defective children and all those known as dull or backward children should be regarded as a single educational and administrative unit, and should be given a similar type of education, adapted to their degree of retardation." They further recommended that all these children except those in need of immediate care and control under the Mental Deficiency Acts should be retained in the Public Elementary School system. About 300,000 retarded children would be involved in this scheme. These, together with the 100,000 or so educable mental defectives, would form a group of about 400,000, comparable in size with the group for whom Secondary Education is provided.

By some curious oversight, the Committee's conclusions were based on the extent of ascertainment *before* Dr. Lewis's investigation. The 33,000 mentally defective children ascertained at that time represented six out of every 1,000 children. On this the Committee based their conclusion that a school population of 8,000 was the minimum that could support a Special School of forty. Even on this showing, however, Special Schools could have been satisfactorily organized in forty large towns where no provision existed. But Dr. Lewis's investigation, by revealing that there were at least three times as many mentally defective children as had been previously ascertained, proved that a school population of only 3,000, or a total population of less than 20,000 was enough to support a day Special School. This news meant, of course, that if only the ascertainment prescribed by law were carried out efficiently, the system of Special Schools could be enormously expanded.

The Committee, after giving warm praise to the highly skilled work being done in Special Schools, chose to disregard Dr.

[1] *Report of the Mental Deficiency Committee* (1929).

Lewis's figures, and pinned their faith to a policy so ambitious as to be impracticable. Their plan presupposed that a sufficient supply of specially qualified teachers existed capable of coping with 400,000 children. It also assumed that the normal but retarded child could benefit by being grouped with those who are actually defective, whereas it is the common experience of teachers that the retarded child benefits much more from contact with brighter children.

The effect of the Committee's Report was to discourage the Special School system without providing any substitute. In 1929 there were 180 Special Schools containing some 16,000 children. In 1937 there were only 158 schools, with 13,815 children.

The history of the Mental Deficiency Committee brings out two important points. First, it shows the danger of selecting a one-sided Committee. In the absence of teachers from the schools chiefly concerned, the Committee reached conclusions which, however sound medically, could not be justified on educational grounds. And though there were psychologists among the members, they do not seem to have taken account of the possible reactions of the general public, especially of parents, to a policy of deliberately grouping mentally defective children with those who are merely retarded. Practising teachers could soon have enlightened them.

The second point arises from the first, namely that the responsibility for selecting the members of a Committee should never be delegated by the President of the Board. In the case of an inter-departmental committee the responsibility should be shared by the heads of the Departments concerned. As soon as the scope and importance of this inquiry was realized, the Committee should have been formally constituted and strengthened by the inclusion of representatives of Local Education Authorities and teachers. There is a point where informality and elasticity cease to be an advantage, and that point was certainly reached in this case.

In choosing a single man to carry out thorough investigations in a number of specially selected areas, the Committee showed great wisdom and foresight. But unfortunately Dr. Lewis was not co-opted as a member of the Committee. With his experience as

a teacher in both Elementary and Secondary Schools he might otherwise have been able to warn them of the objections to their main proposals.

C. Royal Commissions: The University of Durham

Governments have often been accused of appointing a Royal Commission simply in order to shelve an awkward responsibility until a more convenient time. No such accusation could be made in connection with the Royal Commission on the University of Durham. Appointed in March 1934, the Commission reported in the following January,[1] and the resulting Act became law in August 1935.

It must not be supposed from this that the task assigned to the Commission was a straightforward one. Rarely can a more complicated problem have confronted a similar body, yet they not only issued their report within ten months, but confined it to seventy pages, exclusive of appendices, a still more remarkable achievement. Here was a concise document, stripped of all unnecessary detail, giving not only a clear picture of the main problems, but equally clear recommendations for their solution. The House of Commons showed its appreciation by passing the Act suggested in the Report before the summer recess.

In 1934, when the Royal Commissioners made their investigations, there were about 500 University students at the Colleges in Durham. These consisted of:

(*a*) Two colleges owned and maintained by the Council of the Durham Colleges;

(*b*) A women's college, maintained by the Council in rented premises;

(*c*) Two colleges recognized by the Council, but practically outside its jurisdiction;

(*d*) Three colleges with the status of Licensed Halls of Residence.

Two were Church of England Training Colleges for Teachers, and the third was provided and maintained by the Durham County Council. Less than half the students of these last three were matriculated University students.

[1] Cmd. 4815.

The University was found to be a large-scale replica of this strange assortment of colleges. At various times and in various ways the University had associated with itself a number of other institutions. In 1934 these were:

(*a*) The College of Medicine at Newcastle, fifteen miles distant, a Company "not conducted for profit," with 400 students, a Court of 57 Governors, and an executive Council which controlled the finances and appointed all Professors and Lecturers in the College;

(*b*) Armstrong College, Newcastle, also a Company "not conducted for profit," devoted to the study of scientific subjects, with 1,000 students, a Governing Body of over 2,000, of whom no complete list existed, and an executive Council with control of finance and the power to appoint all Professors and Lecturers;

(*c*) Sunderland Technical College, affiliated to the University in the faculty of Applied Science;

(*d*) Codrington College (Barbados) and Foural Bay College (Sierra Leone), both missionary colleges;

(*e*) Nineteen Theological Colleges in Great Britain and various parts of the British Empire.

By an Act of 1908 and the resulting Statutes a new Senate had been created as the "supreme governing and executive body of the University." The University was arranged in two evenly balanced "Divisions," the Durham Division, with its own executive Council, and the Newcastle Division, comprising two units, the College of Medicine and Armstrong College. The three units, however, remained financially independent and though the Senate was given some control over the common academic life of the University, it had no permanent funds and consequently little real power or influence.

At the time of the Royal Commission of 1934 the situation had been further complicated by an unfortunate disagreement at Newcastle. This began in 1931 when the College of Medicine decided to dispense with the services of one of its Professors, a step that had been taken by the Council without consulting the Senate of the University or even informing the Governors of the College itself. It was clear that there were serious defects in the constitution of the University and its units.

Space does not permit of a detailed account of the solution proposed by the Commissioners. Suffice it to say that they concentrated on essentials and proposed a thoroughly workable settlement. In such matters as the constitution of the University Court and Senate, and of the Councils and Academic Boards of the two Divisions, the Commissioners worked out every detail with scrupulous care, to ensure fair representation for every interest. But they wisely refrained from going into details that could better be postponed for further consideration. Thus they left it for the Statutory Commissioners, who they hoped would be appointed by Act of Parliament, to draw up new Statutes for the University.

The University of Durham Act, 1935, fulfilled the Commissioners' hopes. By this Act new Commissioners were appointed to make new Statutes in general accordance with the recommendations contained in the report of the Royal Commission, "subject to any modifications which may appear to them expedient." The continuance of the policy of the Royal Commissioners was secured by choosing four of their number to serve on the new Board of eight Statutory Commissioners, and by appointing one of them as Chairman.

VI. CONCLUSIONS

A. The Committee

An educational committee of 32 can conveniently meet, it seems, about three times a year, one of 16 about six times, while one of 8 can probably manage a monthly meeting. When the committee is small and meets often, its members soon strike up a friendly relationship and in this atmosphere are encouraged to speak frankly. This leads them to tackle problems in a bold, constructive way and to make positive and practical recommendations. Above all, each member of a small committee feels that he or she has a special contribution to make. As a result, they attend regularly and maintain a lively interest in the committee's work.

On the other hand, while a small committee can be so formed that several varying or even divergent views are represented, its

small size may mean the exclusion and perhaps estrangement of important interests whose co-operation is desired. The effect may be both to reduce the collective ability of the committee and to lessen its prestige.

If the matter is urgent and it is more important that the committee should report promptly and decisively than that the possible susceptibilities of all interested parties should be taken into account, a small and authoritative committee is best. A good example was the Royal Commission on Durham University, whose eight members solved an urgent problem with speed and efficiency.

When the investigation is less pressing, a committee of from 10 to 16 is large enough to be both representative and authoritative. The departmental committee on Public Libraries, for instance, had 12 members, that on the Teaching of English 14, that on Scholarships and Free Places 15. The Committee on the Classics had 19 members, which seems rather large for the purpose.

Standing advisory bodies must necessarily be larger than *ad hoc* bodies, owing to their wider range of topics. The Consultative Committee has 21 members. The Secondary School Examinations Council at one time had 22 members, including the Chairman. In 1936, however, it was enlarged to 31. The Adult Education Committee, which once had 32 members, was successively increased to 36, 43, and 53.

When a committee is doing good work, it is natural that influential bodies who are at the time outside the committee should ask for representation inside. This puts the Board in a difficulty. While anxious to increase the usefulness of their standing advisory bodies, they must be aware of the danger of increasing the membership. An advisory body of from 40 to 60 members is too unwieldy to meet in full force more than once a year, and this severely limits its usefulness. Much of the business is consequently handed over to a standing sub-committee of manageable size, while the advisory body itself takes on the nature of an annual conference. In such circumstances there is a risk that keen committee members who are not on the sub-committee will lose touch and interest.

One way out of the difficulty would be for the Board to distinguish between bodies which should have permanent representation on a committee and bodies which might take turns in being represented. In this way, over a period of years, representation could be given to all interested bodies without making the committee unwieldy.

From the point of view of membership the Board's advisory bodies are of two kinds, those dealing with less and those dealing with more controversial subjects.

In choosing members for a committee of the less controversial type, the President's aim is that as many different interests as possible should be represented. By judicious selection he can often kill two or more birds with one stone, so that quite a small committee may be made widely representative. Among the standing committees the Consultative Committee is the best example of this type, while the Teaching of English Committee is a good example among *ad hoc* committees. Their task, as a rule, is to examine large questions on which the Board want information and advice and they will often arrive at original and constructive conclusions which they could never have reached individually.

This desire, however, to kill several birds with one stone means that the more active and many-sided the educationist, the more likely he or she is to be asked to serve on the Board's advisory committees. People with such qualifications are rare, and so the more public-spirited are found again and again in the lists of members. If the number of committees on which one person might serve were limited, the net of consultation would be spread wider, and this would improve the Board's relations with the educational world.

When choosing a committee to deal with a more controversial subject, the President's aim must be to secure balance both of members and judgment. The three Burnham Committees are a case in point. In this controversy there were two clearly marked sides, the teachers, who wanted an increase in salary, and the local Authorities, whose duty it was to spend the ratepayers' money economically. The President saw to it, therefore, that the two sides were equally represented on the committees. The Board,

representing the taxpayers, were content to keep in the background, knowing that if the teachers and the local Authorities could agree, their solution would almost certainly be acceptable to the Government. In some cases the various bodies interested are allowed to nominate representatives, but these do not become members until they have received and accepted a formal invitation from the President, who thus reserves for himself the right to pass over a nominee whom he considers unsuitable. It is, however, to their own advantage for nominating bodies to choose representatives who will be acceptable both to the President and to the other interested parties, and it is unlikely, therefore, that the President ever exercises this right.

The official element is represented on the advisory committees in various ways. To begin with, the Secretary is invariably a tried official of the Board, who is seconded either for full-time or part-time work during the life of the Committee, and through whom they can draw on the resources of the Board. In addition it is often convenient both for the Committee and for the Board that specialist officials of the Board should be present at meetings to give information and advice, but not to vote. These "Assessors," as they are called, vary in number from one to three, according to the amount of technical assistance the Committee is likely to require.

Inspectors, though under the jurisdiction of the Board, carry out their duties at the circumference and are a semi-independent body with invaluable first-hand experience. It is not always necessary for Inspectors to be members of an advisory committee, but they are often included both before and after retirement.

When a committee is reconstituted, a change of policy can usually be discerned. Sometimes, as in the case of the Secondary School Examinations Council, the President may desire to alter the balance of power between groups already represented. At others, his purpose is to strengthen the committee by bringing in representatives of fresh groups. The reconstitution of the Science Museum Advisory Council in 1930 is an illustration of this.

The problem of the retirement of members in rotation does not, of course, arise with *ad hoc* committees. With standing

advisory committees the system of retirement in rotation is valuable in two ways. It provides a painless method of eliminating the "passengers," and it also results in a regular introduction of fresh blood and fresh ideas, without destroying the continuity of the committee. An arrangement by which retiring members are eligible for reappointment ensures that the more active members of a committee are retained as long as their services are required. This system is in general use among the Board's standing advisory committees.

It is by no means accidental that some of the greatest of the Board's committees have come to be identified with their Chairmen. The "Burnham Committees," the "Newbolt Committee," the "Hadow Report," and the "Spens Report" are examples. Since education is nowadays a matter of nation-wide interest, it follows that the Chairman of a Committee should be a man whose name is known and respected outside the educational world. Lord Burnham, Sir Henry Newbolt, Sir Henry Hadow, and Sir Will Spens were all men of this type.

Inside the committee-room, however, the Chairman's reputation will depend on other qualities, the chief of which are tact and impartiality. Here the Board's committees seem to have been particularly fortunate. Lord Burnham so impressed the members of his three committees that, when the almost inevitable deadlock arrived, both sides were willing to submit the entire matter to his sole arbitration.

It often happens that at a particular stage of the inquiry a committee feels the urgent need for an additional member or members with expert knowledge of some special subject. Permission to co-opt new members in such a case is never refused by the Board. In five of their seven post-war inquiries the Consultative Committee co-opted new members. For instance, when dealing with "Psychological Tests of Educable Capacity," the Committee found the problem unexpectedly technical. They immediately called in Dr. P. B. Ballard, Dr. C. S. Myers, and Professor C. E. Spearman, three of the leading authorities in the country, while Dr. Cyril Burt became responsible for three of the Appendices and the historical introduction. Experts have been co-opted at various times to supply special information,

to help draft a report, to write appendices, or to conduct special investigations. This freedom to co-opt has added greatly to the flexibility and efficiency of the Board's committees.

B. The Report

The reviews of *The Teaching of English in England*[1] contain some valuable clues as to the title, format, and nature of an ideal report on education. The study and comparison of a large number of reports by various advisory bodies of the Board suggests an extension of the list:

(i) Not only the names of the Committee should be clearly shown at the beginning of the report, but also the special qualifications they possess for the task in hand. Of sixteen important reports ten contain no details about the members beyond the letters of Doctors' degrees, Inspectorships, and Military and Civil decorations. When full details are given, as in the report on *Education for Salesmanship* (1928), they add greatly to the interest of the reader, who cannot be expected to know the qualifications of each member.

(ii) In order to make the report more vivid and concrete, names of witnesses should be freely given in the body of the report, whenever their views are quoted. The chapter on "English in the Universities" in the Teaching of English report illustrates the advantages of this course.

(iii) The Contents should be in the form of a summary of the subject-matter, arranged by sections for quick reference. The preparation of such an outline has the merit of compelling the drafting Committee to decide on the exact significance of each section, and thus tends to tighten up the report generally.

(iv) A comprehensive index, arranged both by name and subject-matter, should be prepared. Of the sixteen reports mentioned above only six were indexed.

(v) The authors of a report should bear in mind throughout the nature of the audience whom they wish to address. Educational reports frequently contain learned passages of interest only to the expert, and may actually estrange the wider circle of readers on whom educational progress ultimately depends. A

[1] See pages 210–12.

particular excellence of the Teaching of English report is that it can be understood and enjoyed by everyone.

(vi) Consideration for the potential reader should influence the length of the report. There is here a very real difficulty. The writers of reports are often torn between the desire to satisfy the man in the street and the desire to satisfy the man in the study. The result is often a report satisfactory to neither—too long-winded for the general reader, too superficial or "popular" for the professor. When these conflicting claims cannot be reconciled, the wiser course may be to favour the general reader.

In education there is a close connection between the length of a report recommending legislation and the length of time which elapses before the necessary Bill is introduced. The reports of the departmental committee on the University of London (1926) and of the Royal Commission on the University of Durham (1935) illustrate this point. In neither case did the report reach 100 pages, and in each case legislation followed within the year. Members of Parliament are busy people, and if the report is intended for their special consideration, common sense suggests brevity.

When a committee wishes to appeal with equal force to enlightened and unenlightened public opinion, the only safe course would seem to be to publish two reports—the full report for the expert, the shorter report for the ordinary man or woman, who is much more interested in the committee's conclusions than in the processes by which they are reached. It might be argued by the Stationery Office that the issue of a shorter report would adversely affect the sales of the fuller report. This is unlikely, for the shorter report could be written so as to whet the appetite of the reader and lead him to secure a copy of the fuller report without delay. One report would help the other, in the same way as the sale of wireless sets has increased the sale of gramophone records.

C. The Follow-up

The chief groups of potential readers of an educational report are the Government and Parliament, the Board of Education and sometimes the Treasury, the local authorities, school managers,

teachers, and parents. Every report may affect all these groups to a lesser or greater extent, and if even one group neglects to master its contents, the recommended reforms may be delayed.

Inquiries among the various groups at the circumference show that, with few exceptions, the actual reports are little read, even by Education Committees and their administrative officers. One reason for this may be the Englishman's distaste for official or semi-official publications. Most of those who are interested in a particular report glean their information about its contents from reviews or newspaper articles, which vary greatly in value. In consequence there is no considerable body of well-informed public opinion on education, and necessary reforms are often obstructed, if not actually opposed, from sheer ignorance of their meaning and purpose.

It might be argued that, since the responsibility for local education rests with local authorities, the Board's responsibility ends when they have issued a report, distributed copies to the press and to local authorities, and followed this up with a Circular which makes clear their own attitude. The Board are, however legally responsible for "superintendence," and it is therefore incumbent on them, if these steps prove inadequate, to devise other means of ensuring that reports are more widely read. One solution would be for the Board's Department of Intelligence and Public Relations to be enlarged by the addition both of a fully-trained full-time journalist, in place of the half-time Press Officer who at present is shared with the Ministry of Health, and of a fully-trained publisher, with experience of the editorial, production, and advertising work of a large educational publishing firm. With these minimum additions the Department might carry out the following suggestions:

(i) Before the final draft is approved, each report should be carefully revised and edited by the Department of Intelligence and Public Relations in consultation with the authors of the report.

(ii) A summary of the report, with a short historical introduction, might be issued to the national and educational Press with review copies of the full report. This would help busy journalists to see the report in perspective and concentrate their

attention on the more important sections without fettering their right to free criticism. Further copies might be made available at a nominal charge for distribution by local authorities.

(iii) Approaching the problem of publicity from the opposite end, a series of small booklets might be issued containing the irreducible minimum of educational knowledge required by various types of reader, particularly new members of Education Committees, new members of their various sub-committees, some of which require much specialized knowledge, new managers of Council Schools, new managers of Church Schools, and new Head Teachers. Each authority should lay in a supply of these booklets for presentation as required. One such booklet[1] was issued in 1935 to meet the needs of visitors from abroad wishing to study the English educational system; but the idea of compiling a series for English readers does not seem to have occurred to the Board.

(iv) Steps might also be taken to ensure that a copy of the latest *Handbook of Suggestions for Teachers in Public Elementary Schools* is in the hands of *all* teachers of children up to fifteen years of age. The Handbook embodies the accumulated wisdom not only of the Board and their Inspectors, but of a succession of valuable reports by advisory bodies. It is supplied free to their Elementary School teachers by the more enlightened authorities, but it is rarely seen in Secondary Schools, though much of their work, at least during the first two years, covers the same ground. It is never to be found in Boys' Preparatory Schools and is practically unknown in Private Schools as a whole.

The best way of increasing the circulation would be for the Board, or the Stationery Office, to appoint sales representatives, as other educational publishers do, who would visit the schools and take orders for the Handbook and for other publications of the Board. When a new edition of the Handbook is issued, the old Handbook might be accepted in part payment for the new one. In this way teachers in all types of school could be kept abreast of modern educational thought and practice.

[1] Educational Pamphlet, No. 94.

THE USE OF ADVISORY BODIES BY THE MINISTRY OF HEALTH

by R. N. SPANN

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I. THE CONSULTATIVE COUNCILS

When the Ministry of Health was set up in 1919, provision was made for establishing several new permanent bodies to give advice, on the lines of the Consultative Committee of the Board of Education. The Haldane Report on the Machinery of Government had emphasized the need for continuing committees "entitled to submit representations" on matters "which may not have been made the subject of a reference,"[1] that is, with a fairly extensive initiative. As a result, the Ministry of Health Act of 1919 contained the following clause: "It shall be lawful for His Majesty by Order in Council to establish consultative councils . . . for giving . . . advice and assistance to the Minister in connection with such matters . . . as may be referred to in such Order." This left the decision as to constitution and powers to the new Minister, and considerable discussion took place in the House of Commons with regard to these details.[2] The President of the Local Government Board had pronounced against making

[1] *Report*, Cd. 9230 (1918), p. 62.

[2] E.g. *H. of C. Debates*, 5th series, vol. 112, cols. 1836 ff., 2108 ff.

the councils representative of interests,[1] but gave no answer to members who argued that they should meet at definite times, have the right of initiating proposals, and be in direct contact with the Minister. He appeared partly to contradict his original statement regarding representation when he announced the constitution of the new bodies. There were, he said, to be four councils "one an expert medical council . . . one an expert council representing local administrative bodies, and a council representing the insured side of the (approved) societies, and a general council representing the general population."[2] But it was the representation of interests as such that he had apparently disapproved, not that of those primarily affected by the matters under discussion in their "expert" capacity.

The four councils were established in the middle of 1919,[3] and were to deal with: Medical and Allied Services, Local Health Administration, National Health Insurance (Approved Societies' Work), General Health Questions. A fifth council was set up for Wales, which had to do all the work for that country that four councils were required to do for England. The Minister of Health was to determine the personnel, but membership was limited to twenty[4] (in the case of the Consultative Council for Wales, thirty). He was also to be President of each council. They could report on matters referred to them by the Minister, propose subjects to him for discussion, or present a report on their own initiative. On paper, it appeared as though they might play an important rôle in administration.

By September 1919 most of the councils had got to work. The Consultative Council on Medical and Allied Services consisted almost entirely of medical men, and was under the chairmanship of Sir Bertrand Dawson (now Lord Dawson of Penn).[5] Practically all the members of the council on Local Health

[1] *H. of C. Debates*, 5th series, vol. 112, col. 1836. [2] *Ibid.*, col. 2114.

[3] Stat. R. and O., 1919 (1281, 1282).

[4] The Consultative Council on National Health Insurance was enlarged in 1923, to include not more than forty members and to give fuller representation to the approved societies.

[5] Proposals for a Medical Advisory Council had been discussed with Lord Dawson by the Ministry of Reconstruction early in 1918 (Addison, *Four and a Half Years*, p. 564).

Administration were local councillors or officials, not appointed on a strictly representative basis. All the members of the council on National Health Insurance were connected with approved societies (and the chairman was also the chairman of one of the more important of these). The council on General Health Questions was a dead letter from the beginning. The last of the new bodies—the Consultative Council for Wales—recruited its personnel on a much wider basis than any of the others. It contained representatives of trades unions, approved societies, local councils and housing associations, as well as of the medical and nursing professions.

Three of the councils issued reports in 1920 and 1921; yet after the latter year only one of them did work of any importance, the Consultative Council on National Health Insurance. The council on Local Health Administration presented one report on a question of procedure,[1] which was partly effective, and then ceased to meet. The council on Medical and Allied Services also reported once,—on the organization of the medical service in local areas. This was an Interim Report (issued because the "time at the disposal of the Council"[2] did not allow a more detailed inquiry), but no Final Report was ever published. Its most radical recommendation was that the home medical service in each area should be based on local health centres, as a link with hospitals and medical schools. The principle of unified control was accepted, which would involve the assimilation of poor law health services to those of the local authorities. The council also recommended a hospital survey, and various other investigations—into, for instance, nursing and maternity welfare. The main recommendation was not adopted, though some of the other proposals were accepted later, mostly as a result of the work of subsequent committees. The Minister said he would consider the report "in relation to a comprehensive policy,"[3] but this policy never appeared. Later, he confined himself to saying that it had "proved valuable in stimulating discussion."[4] The report was admittedly a rather Utopian document, but many of its conclusions were supported by one of the councils of the Scottish Board of Health

[1] 1 and 1113 of 1921.
[2] *Interim Report* (Cmd. 693, 1920), p. 5.
[3] *Ibid.*, p. 2.
[4] *M. of H. Annual Report*, 1920–21, p. 7.

which reported about the same time, with immediate practical needs in view.[1] After this initial failure, the council became moribund, and soon ceased to meet at all.

The Consultative Council for Wales appeared at first to have greater powers of survival than the others. At its first meeting, the Minister said he hoped it would forward the movement towards decentralizing the administration of Welsh health services.[2] It went very actively about its business, and made considerable use of sub-committees on to which persons with local knowledge and experience were co-opted. In its two reports, it made a unanimous recommendation that a National Council of Health for Wales should be appointed, with "full control and responsibility, financial as well as administrative."[3] A Welsh Board of Health had already been appointed in 1919,[4] under instructions from the Ministry of Health. But this was by no means the powerful and autonomous unit the Council had in mind. The Geddes Committee actually recommended its abolition as an economy measure in 1922.[5] The Council's proposal was rejected. Recent investigations have[6] made it clear how far Welsh health services still lag behind English.

After 1921 none of the new councils published reports, though the Approved Societies' Consultative Council continued to meet and did important work in its limited field to keep the department in touch with the views of the societies on insurance matters. The others do not appear to have been formally dissolved. The immediate reason for their sudden decline was the period of financial stringency beginning in 1921, when most of the schemes which had been planned to reorganize the economic and social life of the country were laid aside. By the time the country emerged again into relative prosperity the enthusiasm of 1919 had evaporated.

[1] Cf. *Report, Royal Commission on National Health Insurance* (Cmd. 2596, 1926), pp. 55–56. [2] *Municipal Journal*, November 21, 1919, p. 1161.

[3] First Report (Cmd. 703, 1920), Second Report (Cmd. 1448, 1921).

[4] Ministry of Health Act, 1919, section 5. The Council carried on the work of the old Welsh Insurance Commission and "acts under the direction of the Ministry of Health . . . in health and poor law matters." (*M. of H. Annual Report*, 1936–37, p. 210.)

[5] Cf. *H. of C. Debates*, 5th Series, vol. 151, ed. 1864 (March 13, 1922).

[6] E.g. the reports on maternal mortality (Cmd. 5433, 1937) and tuberculosis (1939. H.M.S.O.).

The department, in fact, was not prepared to consider long-term planning. The councils might of course have served a purpose had they been given specific matters to consider; but for this work their size was too unwieldy, and their membership not suited. On the other hand, they could have been useful as the nuclei of periodical conferences to discuss progress. But the department apparently did not consider this was a function the Councils could usefully fulfil. The opinion of a former Principal Assistant Secretary of the Ministry is that "a body of this kind is not likely to be of great use unless it has a quite definite piece of work to do. . . . There is nothing more wasteful than to have consultation when there is no live issue of practical importance about which to consult."[1] In this respect, the Ministry of Health has taken up a quite different attitude from the Board of Education. It never gave the councils any encouragement to find a permanent place for themselves in the department's work, or to preserve themselves in existence until a time when the department might want long-range views. Innate conservatism reasserted itself. The Consultative Councils were "artificial creations," preventing the permanent officials from getting on with their work. It is worth observing that the one which survived did so because it performed an already recognized task, which had been fulfilled before the War by an advisory committee attached to the Insurance Commission.

The experiment has not been repeated. Few of the committees with which we deal below are at all similar to the Consultative Councils in their constitution, though the last few years have seen some return to the continuing body with more general functions. The department does not seem to have progressed at all in the technique of using its advisory machinery. Hence, it has been found convenient to study the subject without making a purely chronological approach to the committees and commissions.

II. LOCAL GOVERNMENT AND ADMINISTRATION

Several Royal Commissions reported on questions relating to local government in this period, and their work is discussed

[1] Sir Gwilym Gibbon, in *Public Administration*, 1926, pp. 261–62.

separately below. But in many of the more important changes advisory bodies played no part. The absorption of the poor law into the general services of the local authorities, while it owed a great deal to a pre-War Royal Commission and to a committee of the Ministry of Reconstruction, was finally brought about without further reference to an advisory body. The same is true of the changes in the rating system. However, advisory committees touched on the fringes of both these topics. In 1930 a committee made important recommendations with regard to the administration of casual wards (the Departmental Committee on the Casual Poor). Others played a part in preliminary rating reforms, and in the reorganization of valuation. More important were the Hadow Committee on Local Government Officers and the Laws Consolidation Committee. The former was almost the only body (not excluding the Royal Commissions) of those which are discussed here which was given and took the opportunity to present a coherent plan of reform. It is significant that very little notice was taken of its recommendations. The committees that succeeded had their success assured by being given a restricted field in which to work.

The passing of the 1925 Rating and Valuation Act provided work for advisory bodies of both the continuing and the *ad hoc* type. In 1923 an expert committee (composed mainly of local officials) had recommended the partial de-rating of "process" machinery.[1] This was wholly de-rated in 1925, and a group of five experts[2] was appointed to decide what machinery came within this category. These are typical examples of the expert advisory body, with a clear task to perform, and the conclusions of which cause no great controversy—the kind of committee a department really likes.

The 1925 Act also contained important clauses relating to valuation. It provided[3] for the setting up of a Central Valuation Committee, to submit periodical representations to the local valuation authorities, and to assist in securing uniform standards. It was to have thirty-two members, twenty-four of whom were

[1] Inter-Departmental Committee on Rating of Machinery and Plant. *Report* (Cmd. 2340, 1924). [2] Rating and Valuation Committee, reported May 1927.
[3] By section 57. See S.R. and O., 1926 (1016).

to be elected as representatives of the local authorities' associations, the others to be appointed by the Minister of Health. The new committee was created in 1926, and still existed in 1939. Its members sat for five years only, but were eligible for reappointment; nearly all of them were connected with some local authority, including those appointed by the central department. At the first meeting of the committee, the Minister said that "it was contemplated at first, at any rate, that they should be an advisory body depending upon goodwill and persuasion in conference to effect their purposes, but he reminded them that . . . their work and even their present form might ultimately develop upon more authoritative lines."[1] This somewhat menacing prophecy has not yet been fulfilled, though the Central Valuation Committee has been given a good deal of freedom in its recommendations. These have been circulated by the department without comment even when they have seemed to entail amendment of the Act under which the committee was appointed.[2] At times it conducts inquiries by questionnaire to discover local views and practices, and to inform the Ministry of Health and the different valuation authorities of what is being done in other parts of the country. Since its establishment, the movement towards national uniformity in valuation has steadily advanced, and further legislation on the subject has been passed. However, in 1938, the committee became involved in serious controversy in connection with the new valuation lists, and indicated to the department its view that further centralization was probably desirable. Meanwhile, the coming into operation of the new lists was delayed until 1941, while an *ad hoc* committee of investigation[3] set to work to discover what hardships would be caused by the proposed changes. The tension between local opinion and the national desire for uniformity had assumed a character which the existing machinery could not resolve.

Of three committees concerned with the local government service, only one was wholly successful, though another had the satisfaction of seeing its main recommendation accepted ten years

[1] See Appendix to Circular 741 (1926).
[2] Cf. *H. of C. Debates*, 5th Series, vol. 208, cols. 435–37.
[3] The Departmental Committee on Valuation for Rates.

after it reported. The latter was the body set up by the Ministry of Health and the Scottish Office to discover how far local authorities were using their powers under the 1922 Act to introduce superannuation schemes.[1] The committee—which numbered fifteen on appointment, and was composed in about equal proportions of ex-Civil servants, Members of Parliament, and local administrators—reported in 1927 in favour of making the permissive act compulsory, and of extending its range. The report was unanimous, with only one serious reservation by a single member. The recommendation was not adopted until 1937, although both the Royal Commission on Local Government (in 1929) and the Hadow Committee on Local Government Officers (in 1934) supported it.

The Hadow Committee had much more general terms of reference, and considered as wide a range of problems as most Royal Commissions. It was established in 1930 as a direct result of a recommendation of the Royal Commission on Local Government, "to inquire into and make recommendations on the qualifications, recruitment, training and promotion of local government officers." Its personnel was fairly representative—the eleven members included the vice-chairman of the London County Council, a town clerk, an ex-Lord Mayor, a prominent member of the London Passenger Transport Board, and members of local authorities' associations. Hence, although this was by no means an "interested" body, the members comprised together representatives of most schools of thought on the subject. This made their report all the more valuable, as they managed to reach a large number of agreed conclusions. It must be confessed, however, that the variance of these with a great deal of the evidence submitted by the local authorities' associations in their representative capacity,[2] suggests that these interests were not satisfied; and this conclusion is borne out by the history of the recommendations.

The report appeared as late as 1934 since the work of the com-

[1] Departmental Committee on Local Government, etc. Officers Superannuation Act. A Departmental Committee on the same topic had met in 1918 and recommended a compulsory scheme. (Cmd. 329 of 1919.)

[2] A summary of which is appended to the Report (1934. H.M.S.O.).

mittee had been suspended for some months during the "crisis" period. Its main proposal was for the establishment of a permanent central advisory committee, representing the local authorities' associations, to make recommendations for improvement and secure uniformity in local practice. In the field of recruitment, the report recommended that local authorities should draw more on the Secondary Schools and Universities (it incurred the special disapproval of the local authorities for the latter part of this proposal). It also suggested that a competitive examination system should be introduced. The Committee made many proposals for internal reorganization, including the establishment of national standards for salary scales and grading; and the suggestion that local officials should be given experience in different parts of the country gave it the opportunity of advocating compulsory superannuation on the lines recommended by its predecessor.

Some local authorities set up special committees to consider the report, but few of these arrived at any positive conclusions. The central advisory committee was finally established, after a great deal of haggling, at the end of 1937, though the Association of Municipal Corporations refused to be represented on it.[1] It has done little since its appointment, and does not seem likely to be very effective. The Hadow Report on Local Government Officers is perhaps not the sort of document which can secure immediate acceptance; but if we compare it with the other *Hadow Report*—on the education of the adolescent—we are struck by the fact that it has not even aroused discussion of a fruitful kind. The department has taken no steps to rescue the report from the oblivion into which it has now fallen.

A successful investigation of limited scope must now be mentioned. Just before the Hadow Committee was appointed, a special inquiry took place into the salaries of local medical officers, which was attended by the local authorities' associations and the British Medical Association. This resulted in a memorandum (in June 1929), many of the proposals of which were accepted. They included one to set up a representative advisory committee to have under consideration difficulties that might arise in con-

[1] Its evidence had shown it to be, on the whole, the most complacent of the local authorities' associations (cf. *Report*, p. 58).

nection with the other recommendations. This[1] was duly established under the chairmanship of an officer of the Ministry, and meets about three times a year.

The completion of various reforms in local government by 1930 made it possible to begin a new consolidation of local government and public health law. In the middle of the 'twenties, the Ministry of Health had set up a committee "to consider the whole series of the Public Health Acts with a view to their being amended or consolidated."[2] Some preliminary work had been finished before the *Final Report of the Royal Commission on Local Government* appeared, which recommended an advisory body for this task. The Laws Consolidation Committee was set up in December 1930. Its terms of reference indicated that the work of consolidation would involve that of amendment in some cases; in addition, it was frequently difficult to decide whether an amendment which appeared to be merely conducive to simplicity did not also constitute an important change in the meaning of the law. These facts made it unlikely that the problems which faced the Committee would prove completely non-controversial; and they probably counted for a great deal in the decision to appoint a formal body including members from outside the machine. Less awkward consolidations (like that of the Poor Law in 1927 and 1930) were made without the assistance of such a body.

The Committee recruited its members mainly from the legal profession, the local authorities and Parliament. It was almost wholly expert, with a very distinguished personnel (including two leading officers of the Ministry of Health, and the First and Second Parliamentary Counsel to the Treasury). The total membership on appointment numbered fourteen.[3] The First Parliamentary Counsel made himself responsible for the preparation of rough drafts of proposed clauses as the work proceeded. No

[1] The Advisory Committee on Medical Officers' Salaries.

[2] See Royal Commission on Local Government (Minutes of Evidence, xiv, 2527) Cf. *M of H. Annual Report*, 1925–26, p. xiii.

[3] Lord Chelmsford, the Chairman, died while the committee was still sitting, and was replaced by Lord Addington. When the committee turned to consider the Food Laws (see below, p. 238), three new members were appointed, bringing the total to 17.

oral evidence was taken—except in a single case where an amendment was contemplated that might have raised controversial issues[1]—but the Committee met sixty-five times, and found the work more difficult, and the necessary amendments more numerous, than had been anticipated. It had the right to co-opt new members with the consent of the Minister, a necessary privilege in view of the many different topics with which it was likely to deal before it was dissolved.

In March 1933 the Committee issued an Interim Report, and a draft bill[2] consolidating local government legislation. It had begun with the aim of separating the amending and consolidating parts of its proposals. But here the Committee came up against the difficulty that the separation between consolidation and amendment proved entirely artificial, and it decided after all to draft one bill covering the two. Despite fears to the contrary, the bill passed into law fairly easily, as the Local Government Act of 1933.

The Committee then turned (in November 1933) to its second task—that of consolidating public health legislation. Here the issues were even more complicated, and a consistent and simple law could not be evolved without considerable amendment of existing provisions. In these circumstances, the Committee behaved very like an ordinary *ad hoc* body concerned with controversial issues. It held a further fifty-nine meetings, and heard evidence from a large number of outside witnesses. The report on the second part of its terms appeared in January 1936,[3] accompanied by a bill, which was introduced in much the same form as the Committee had drafted it, though some additional satisfaction was given to certain interests. There can be no doubt that the preliminary work done by the consolidation committee (both in producing a technically efficient draft, and in persuading various interests that their views had been considered) was immensely valuable to the department, in enabling both bills to pass through Parliament in a comparatively short time and with little serious amendment.

Having cleared out of the way the two main items on its agenda,

[1] *Interim Report* (Cmd. 4272 of 1933), p. 8.
[2] Cmd. 4272–73 of 1933.
[3] Cmd 5059 and 5060.

the Committee went on to consider the Food Laws. For this purpose, the terms of reference were extended to include London, and three new members were added to represent the capital (all local officials from the London area). A report and draft legislation were drawn up on the new terms at the end of 1937,[1] and in the next year a bill was introduced to give effect to the recommendations, which became the Food and Drugs Act of 1938. The Committee intended to go on to deal with the law with regard to streets, but it was found more convenient to refer this to another body,[2] and by 1939 the Laws Consolidation Committee had ceased to meet.[3]

While the Laws Consolidation Committee was sitting, a permanent advisory body was set up in October 1934 to advise the Minister on general questions relating to the Public Health Services which he might choose to refer to it. This arose directly out of a proposal made by one of the local authorities' associations, when they expressed their views before the 1932 Committee on Local Expenditure. The various local authorities' associations were represented, but it was not intended that the Committee should meet very often.[4] Much of its work was to be done through sub-committees. One of these reported in the middle of 1939 on the question of the law of settlement in relation to the free medical attention given by local authorities under the Poor Law. Since then the Committee's functions do not appear to have been of much significance. Its terms of reference are very general, and it has no initiative power.

In this field, then, while committees of a technical character have done useful work, the Ministry of Health has shown no disposition to use its advisory machinery to make recommendations of wide scope.[5] The department may excuse itself by arguing that it has no wish to engage in fundamental reforms, and that, in any case, it has always to deal with recalcitrant local councils.

[1] Cmd. 5628.

[2] The Amulree Committee on Highway Law Consolidation, appointed jointly by the Ministers of Transport and Health.

[3] *Municipal Journal*, May 5, 1939, p. 983.

[4] *M of H. Annual Report*, 1934–35, p. 145.

[5] This conclusion is borne out by the history of the Royal Commissions concerned with local government problems.

No doubt it is also true that many of the more important issues in local government require to be decided on the basis of detailed research for which the advisory machinery (in its present form at least) is ill adapted.

III. MEDICAL AND PUBLIC HEALTH QUESTIONS

For the most part the committees set up by the Ministry of Health in this field have been expert medical bodies. Sometimes the issues involved have been partly legal and administrative, or have affected the interests of local authorities and approved societies, and in these cases the personnel has been chosen on a wider basis. Their recommendations have on the whole been accepted, at least where they did not involve fundamental change. The only committee which considered the personal health services as a whole was the Consultative Council on Medical and Allied Services—and this, as we have seen, failed to impress its views upon the department.

Institutional Inquiries

A Voluntary Hospitals Committee was established in 1921 as the result of requests for an inquiry in Parliament.[1] Its six members included two peers (one also a lawyer), an ex-Chairman of the L.C.C., an M.P., and an accountant. It reported so quickly in favour of maintaining the voluntary system that it gave the impression of having prejudged this issue.[2] But it recommended that part of the approved societies' surplus should go to the hospitals; that co-ordinating committees should be set up in the local areas; and that a State grant should be given, administered by a body of commissioners. The first of these recommendations was not accepted, and the Government only consented to pay half the proposed grant.[3] A Voluntary Hospitals Commission was set up to administer it, and to organize the establishment of the local committees. In 1924, having completed this work, the

[1] E.g. *H. of C. Debates*, 5th Series, vol. 131, col 60, and vol. 134, col. 1044. Debate on Ministry of Health (Miscellaneous Provisions) Bill.

[2] *Interim Report*, March 1921 (Cmd. 1206). The *Final Report* appeared in May (Cmd. 1335).

[3] *M. of H. Annual Report*, 1931–32, p. 27.

Commission was given new terms to report on accommodation and also continued its duties as a permanent body "facilitatir the interchange of information."[2] It reported in 1925,[3] recon mending further State assistance, but this proposal was rejecte The Commission continued in existence until 1928, when informed the Minister that in view of the department's attitu it considered that it had no longer any useful functions perform.[4]

No important committee concerned itself with general hospit provision (with the exception of a technical body set up durir the "economy" campaign to recommend ways in which the co of building hospitals might be reduced)[5] until 1936. In that ye an expert body was established (jointly with the Home Offi and the Scottish Office) to report on provision for restoring tl working capacity of persons injured by accidents. Its appoin ment resulted from a B.M.A. memorandum on the subject, tl conclusions of which the Committee supported.

In 1937 another inter-departmental body (appointed joint with the Board of Education) was set up to report on nursing Its twenty-one members were many of them interested in practical capacity in the subject, and included two working ho pital nurses. But it was not intended to be "representative of a the different interests" which "would have made the committe hopelessly cumbersome and quite unworkable."[7] Even so, it w probably too large for efficient working. It made use of tl women inspectors of the Ministry as an expert staff.

A more sensational investigation into institutional provisio was made in 1921 by a committee of inquiry into the charg made by an ex-asylum doctor against mental hospitals. It was s up in response to an outside agitation (crystallized in this case a book[8] which obtained a wide circulation). It had only thr

[1] *M. of H. Annual Report*, 1924–25, p. 35.

[2] *Ibid.*, 1925–26, p. xiv. [3] Cmd. 248

[4] *M. of H. Annual Report*, 1927–28, p. 6. This body must not be confus with the Voluntary Hospitals Commission set up in 1935 by the Briti Hospitals Association.

[5] The Departmental Committee on the Cost of Hospitals.

[6] Inter-departmental Committee on Nursing Services.

[7] See *Local Government Chronicle*, January 29, 1938, p. 86.

[8] *Experiences of an Asylum Doctor*, by Dr. Lomax.

members, two of them ex-superintendents of mental hospitals, and its exclusive character aroused considerable controversy. The doctor responsible for the charges, and the Asylum Workers' Union, both refused to give evidence, on the ground that, in the words of the latter "the scope of the committee's inquiry is unnecessarily limited, and . . . the only satisfactory method . . . would be by way of a Royal Commission."[1] Objection was also raised in Parliament to the one-sided and unrepresentative nature of the committee.[2] It discounted most of the doctor's criticisms, but suggested various reforms, which were mostly adopted. Its work was supplemented by that of a committee on mental nursing[3] and of the Royal Commission on Lunacy,[4] which undertook in part the general survey demanded by opponents of the earlier body.

In 1921 an advisory body[5] recommended the establishment of a post-graduate medical school in London with "substantial financial assistance from the Treasury." It also suggested that an Institute of State Medicine should be set up by London University. A new committee[6] was created to draw up a scheme for the latter, from whose deliberations emerged the London School of Hygiene and Tropical Medicine. But this success was only achieved because the Rockefeller Institute provided the bulk of the money. No steps were taken to realize the other recommendation until 1925, when a further advisory body was established,[7] which reported in 1927 and 1930, recommending capital expenditure up to £250,000. In the 1931 "economy" campaign, the grant was cut to £100,000; and the school was not opened until 1935, "after many vicissitudes,"[8] which had involved a delay of fourteen years.

[1] *Report, Committee on Administration of Public Mental Hospitals* (Cmd. 1730). p. 89. [2] *H. of C. Debates*, 5th Series, vol. 150, cols. 839, 997–999,

[3] The Departmental Committee on Nursing Services in Mental Hospitals.

[4] See below, p. 270.

[5] The Committee on Post-Graduate Medical Education, consisting almost entirely of medical experts. Its work was supplemented by the Committee on Tropical Diseases Study, with a similar constitution.

[6] The Committee on a Provisional Scheme for an Institute of State Medicine.

[7] The Minister's Committee on Post-Graduate Medical Education Centres in London. [8] *M. of H. Annual Report*, 1934–35, p. 21.

Other Health Services

More than twenty committees were created in this period to report on different branches of the health services—e.g. maternity and blind welfare, the treatment of physical and mental disease, and health insurance. In 1928, two committees were set up by the department to investigate the increase in the maternal mortality rate. The first of these—the Maternal Mortality Committee—was to collate the results of local inquiries, which it set on foot by issuing a questionnaire and appointing three sub-committees. It is normally rather difficult for a temporary assembly of unpaid committee members to conduct a prolonged factual investigation, but in the local doctors and hospitals the committee had an efficiently organized source of information. The thirteen members were all distinguished members of the medical profession, and included two lady doctors. The Committee's proposals[1] depended almost entirely on action by the local authorities for their effectiveness. But the Minister of Health put the weight of the central department behind them, circularized local bodies repeatedly on the subject, and made special representations to those whose mortality rate was particularly high. The department also stimulated research work by local medical officers—acting on another recommendation of the Committee. The result has been a vast improvement in the service. The other body was the Committee on Midwives. Six of its thirteen members were women interested, professionally or otherwise, in maternity work, and all but one of the others were doctors. In contrast with the Maternal Mortality Committee, it obtained very little written evidence, but took a good deal orally, including that of two practising midwives. Little immediate action followed its recommendations.[2] But the 1936 Midwives Act put new obligations on the larger local authorities; and the Central Midwives Board were asked to draw up their own standards, in accordance with a minority proposal (the majority had suggested State certification). In 1937, as a result of a deputation from the National Council of Women and an investigation by medical officers of the department,[3] a Committee on Abortion was set up in co-operation with the Home

[1] *Reports* (1929, 1930, 1932. H.M.S.O.).
[2] *Report* (1929. H.M.S.O.)
[3] Cmd. 5422 of 1937.

Office. Its personnel was partly medical, partly legal, and the chairman was a well-known barrister.

A Standing Advisory Committee on the Welfare of the Blind was set up during the War, and reconstituted in 1920 to represent local authorities and blind organizations—the personnel had previously been almost wholly medical. Later, organized blind workers secured representation, bringing the total membership up to twenty-three. In its early days the Committee met once a month,[1] but later only five or six times a year. Its work has been of great value, and played an important part in the 1920 Blind Persons Act, the payment of grants in aid of approved institutions, and the giving of pensions to the blind at forty. The committee of inquiry into St. Dunstan's and the expert body which reported in 1921 on the Causes and Prevention of Blindness, were both set up as a result of its recommendations. The progress of its work can be followed in its periodical reports.

The Trevethin Committee on Venereal Diseases was appointed in 1923 to inquire into the national system of treatment established on the recommendation of the Royal Commission on Venereal Diseases (which reported in 1917). The personnel—almost entirely medical—was chosen on the basis of nominations from a selection committee appointed by Lord Dawson, who had been largely responsible for the new investigation.[2] A well-known lawyer acted as chairman. The report of the Committee endorsed the views of the Royal Commission, and urged further development—particularly in the facilities for preventive education and treatment. On this side, the Committee's recommendations have been only partially accepted.

The most important of the committees concerned with mental health services was the Wood Committee on Mental Deficiency —another expert medical body, set up to inquire into the incidence of mental defect. It was established by the department jointly with the Board of Education, and reported in 1929. It obtained a good deal of written and oral evidence, and recommended that

[1] A General Purposes Committee met once a fortnight.

[2] *Report of Committee of Inquiry on Venereal Diseases*, 1923. H.M.S.O., p. 3. Requests for an inquiry had also been made in the House of Commons (*H. of C. Debates*, 5th Series, vol. 131, cols. 1901, 1907–8).

voluntary sterilization should be permitted (it was impressed by the unanimity of witnesses on this point). This proposal was not accepted, but the matter was taken up again in 1932 by the Brock Committee on Sterilization. The immediate cause of the establishment of this was a resolution sent to the department by the Leeds City Council, following which several questions were asked in Parliament.[1] The Committee's personnel apart from the Chairman was almost entirely medical; yet, like the Wood Committee, it was in no sense a research body, and was restricted to "reporting on the information already available." It was helped by various outside societies in obtaining its materials, but in spite of this, found that it could not confine itself to existing information, and the local authorities were asked to make special inquiries on its behalf.[2] Its report was unanimously in favour of voluntary sterilization under certain conditions; but no action has been taken as a result of this.

A Committee on Scientific and Ancillary Mental Health Services was appointed in 1931, and—after disappearing in the "crisis"—was re-established by the Board of Control in 1937. An expert committee of the Medical Research Council[3] was to give it technical assistance. Its members were mainly medical men and representatives of local authorities, and its function was to give guidance as to research and other work which could profitably be undertaken.

In the field of health insurance, we have already mentioned the work of the Consultative Council dealing with approved societies. Five other continuing bodies in this sphere may be mentioned, all but one of which still existed in 1939. In 1919 a Medical Distribution Committee was set up to advise with regard to the allocation of medical benefit funds to area Insurance Committees. It was established as a result of a conference with the medical profession,[4] and the majority of its seventeen members were doctors (the chairman was an accountant). It was supplemented in 1927 by a body on similar lines, to review payments to chemists

[1] See *H. of C. Debates*, 5th Series, vol. 261, cols. 1276–1277, vol. 262, cols. 34 and 1793–1794.

[2] Some of the results are printed as Appendix IV to the Report (Cmd. 4485 of 1934).

[3] The Committee on Mental Disorders.

[4] *M. of H. Annual Report*, 1919–20. Pt. I, p. 70.

for drugs and appliances. This—the Pharmaceutical Distribution Committee—shared five of its fourteen members with the Medical Distribution Committee, including its chairman. As a result of the report of the Royal Commission on National Health Insurance, a permanent advisory body was established in 1928 to consider cases in connection with the fees of insurance doctors, where some professional negligence was involved.[1] In the next year a committee on the Definition of Drugs was set up to assist the Insurance Committees in defining drugs and medicines when called upon in doubtful cases. These committees were all in the nature of administrative or judicial bodies—though they had no statutory powers—and all represented insurance committees, or insurance doctors and chemists, as well as including outside experts or members of the central department. Finally, there has been established a Medical Advisory Committee to give expert advice on general aspects of the insurance scheme from the medical point of view.

Food and Drugs

Among the most successful committees were certain mainly or wholly expert bodies set up to prescribe standards of different kinds, for drugs, foodstuffs and nutrition. Between 1920 and 1926, standards were fixed and regulations prescribed for various drugs and therapeutic substances.[2] Another expert body of ten members—the Committee on Preservatives and Colouring Matters in Food—made proposals which were embodied in the Sale of Food and Drugs Act, 1927. A Committee on Meat Inspection, with a partly expert and partly interested personnel, brought the meat regulations up to date, and the Committee on Condensed Milk (appointed jointly by the Ministries of Health and Agriculture) prescribed new standards for this article of food. The

[1] The Standing Committee on Medical Benefit Regulations (Insurance Practitioners).

[2] Committees were established on Insulin, Cocaine, Morphine and Heroin, and on Therapeutic Substances. The work of the last named resulted in the 1925 Therapeutic Substances Act, and in the setting up of a continuing committee (the Advisory Committee under the Therapeutic Substances Act) to advise with regard to the framing of regulations. This still exists, and has to be consulted before new regulations are introduced. All the members except the chairman are appointed by outside organizations.

tightening up of regulations at home led to complaints by home producers of unfair competition from foreign countries. A small expert body of three (the Condensed Milk Commission) was sent abroad in 1927 to report on conditions and dismissed the complaints as unjustified. The Ministries of Health and Agriculture were also jointly responsible for the setting-up of a Standing Advisory Committee on Milk Production,[1] all of whose members were directly connected with the industry, to which representatives of dairy workers and consumers were later added. In 1931 an expert committee was appointed to make a general survey of the food laws, which issued a drastic report in 1934.[2] But this has not up to the present been accepted.

However, the most important of the committees falling into this category is the Advisory Committee on Nutrition. This was appointed originally in 1931, "to advise on the practical application of modern advances in the knowledge of nutrition." The Committee does not appear to have been planned initially as the kind of body it became later under the stress of circumstance. Its terms indicate that it was to be largely concerned with the many technical questions connected with food values, though it was not itself to engage in research.[3] The original aim in setting it up was to provide the authorities with guidance in such nutritional matters as directly concerned them (such as institutional dietaries) and to give the public some general standards to apply in their private buying. But the committee later became the arbiter in complicated questions involving the whole social policy of the Government.

Originally it was a small body, mainly composed of expert physiologists. It issued two memoranda on its original terms early in 1932. One contained its recommendations for diets in poor law children's homes. This report was of wider importance

[1] Following the *Interim Report* (Cmd. 1854 of 1923) *of the Departmental Committee on Agricultural Prices.*

[2] *Report, Departmental Committee on Composition and Description of Food* (Cmd 4564 of 1934).

[3] *M. of H. Annual Report*, 1930–31. Cmd. 3937, p. 38. The Medical Research Council had set up a Nutrition Committee in 1926, which had been working on technical aspects of the subject. Later, the Food Investigation Board of the Department of Scientific and Industrial Research and the Ministry of Agriculture both began research work into nutrition.

than it might at first appear to be, as the conclusions were a weapon which interested parties could use against the Government in connection with its allowances for the children of the unemployed. The Committee's other report was of a more general nature, and established standards of calorific value, protein and vitamin content, etc., for adult diets round which controversy has raged ever since. The British Medical Association had established its own committee to draw up nutritional standards, and when their report appeared (in 1933) it was found to differ in a disturbing fashion from that of the Ministry of Health's committee. The two bodies met in the next year to attempt to resolve their differences, and decided that they really agreed, but had been working on different bases.[1] Together, the two bodies fixed new standards, this time making it clear to which group of individuals in which set of circumstances they were referring.

By 1935 the department had realized that—as it stood—the Committee was not satisfactory. Its personnel did not cover a wide enough field. Its activities did not extend to Scotland, where some of the most serious problems connected with malnutrition were arising. Its terms of reference were too narrowly worded; now that it had completed the preliminary work of evolving some kind of standard, it was necessary to see how this applied to the British population. As a result, the committee was reconstituted[2] under a new chairman, and with a large addition to the personnel—including for the first time authorities on statistics and economics—bringing the total membership up to eighteen.[3] The reconstituted body was appointed jointly by the Minister of Health and the Secretary of State for Scotland, and its terms were "to inquire into the facts, quantitative and qualitative, in relation to the diet of the people, and to report as to any changes therein which appear desirable in the light of modern advances in the knowledge of nutrition." These terms gave the Committee

[1] See the Conference *Report*, 1934. H.M.S.O.

[2] It had been reappointed for another 3 years, with unchanged membership, at the end of 1933.

[3] Three sub-committees were established—on statistics, economic and social questions, and physiology. Three members were added later—one to replace a member who had died, the others to represent expert opinion in Wales.

a "very wide field"[1] in which to work, involving a great deal of fact-collecting. The Committee communicated to the Minister resolutions asking "that early steps should be taken to collect family budgets . . . and to undertake dietary surveys on a comprehensive scale," also to collect information "showing the frequency distribution of actual weekly earnings."[2] The Ministry of Labour has since (October 1937) undertaken a cost of living inquiry, including the collection of family budgets on the lines suggested.

In March 1936 the Committee issued a memorandum on the *Nutritive Value of Milk*, and its conclusion was supported in the more general survey contained in its 1937 Report. The latter document confines itself largely to laying down further standards of consumption, and its conclusions with regard to the state of the population with regard to nutrition are meagre and unsatisfactory.

Finally, we may mention two bodies concerned with health questions in a more informal fashion, both expert in type. In 1923 an expert Committee on Cancer was set up under the chairmanship of the Chief Medical Officer of the Ministry of Health. It was to "consider available information" and "advise on the best method of utilizing the resources of the Ministry for the study and investigation" of the problem. It continued in existence till recently, and the Cancer Act of 1939 has led to the appointment of a new body to advise the Minister on his functions under the Act. This is a sub-committee of the Medical Advisory Committee. The latter was established as an informal group in 1929 "to advise the Minister of Health on matters of common interest to the Medical Profession and the Minister." It has no elaborate procedure or regular form of meeting, and its influence is almost impossible to determine.[3]

IV. HOUSING, TOWN PLANNING AND RENT RESTRICTIONS

The history of these committees since 1919 reflects clearly the variations in the attitude of the central authority—their early

[1] *M. of H. Annual Report*, 1935–36, p. 56.

[2] *Ibid.* Cf. *First Report*, 1937. H.M.S.O., pp. 27–28.

[3] Sir George Newman in the *Building of a Nation's Health* (p. 111) says that it has proved invaluable in presenting medical issues to the Minister.

optimism, the reaction from State interference, the effect of the 1931 "economy" campaign, and the revival of interest in housing and town planning problems after 1932.

Regional housing commissioners with wide powers were appointed under the 1919 Housing Act, and in April of the same year, a Housing Advisory Council was established. It was to fulfil the function of a "general purposes" committee, on similar lines to the Consultative Councils. But, in contrast to these, it did most of its work through sub-committees.[1] The latter indeed showed far more vigour than their parent body, which does not appear to have met after November 1919, and whose inactivity was the occasion of comment in Parliament.[2] They reported directly to the Minister,[3] and were usually treated as independent advisory bodies. The members of the Council and its sub-committees were mainly chosen for their independence of judgment or expert qualifications, though some representation was given to interests.

The Unhealthy Areas Committee (originally known as the "Slum Areas Committee")[4] met forty times in its first year, recommended[5] an increase in the housing and town planning powers of London local authorities and caused local inquiries to be set on foot in other areas. It reported again in 1921, in favour of the preparation of "a plan for the reconstruction of London and the surrounding country." Some of its minor proposals were adopted, and an abortive attempt was made later in the twenties to constitute a new town planning authority for the metropolitan area. The department also set up a Housing Propaganda Committee (representing publicity and housing experts, housing associations, and labour) and an advisory body of ten members, consisting largely of local officials and representatives of Government departments and local authorities, to report on the housing and town-planning needs of South Wales.[6] This Committee is of some historical interest as the first established

[1] Seven were appointed—on Standardization and New Methods of Construction, Finance, Contracts, Specifications, Agricultural Rents, Unhealthy Areas, and one representing women.

[2] *H. of C. Debates*, 5th Series, vol. 138, cols. 964–965.

[3] *Ibid.*, col. 293.

[4] See *Housing*, October 25, 1919, p. 103.

[5] 1920. H.M.S.O.

[6] The Committee for the South Wales Regional Survey.

by the health department to make a local survey.[1] It interviewed more than eighty witnesses, issued a questionnaire to local councils and others, and reported unanimously in favour of a new local authority "somewhat on the lines of the London County Council."[2] The Committee also recommended the setting up of regional town planning and water supply boards with statutory powers, and the building with State funds of a model dormitory town. Its proposals were not adopted. Shortly after it had reported in 1921, the Minister of Health announced that "the present time was not opportune for adopting special measures to carry out the recommendations . . . but they were being borne in mind."[3]

By this time, in fact, the attitude of the central government had changed. It had become alarmed at the cost of the initiative the public authorities had taken, and not less at the failure of private initiative to revive. The department underwent a change of Minister; the reports of existing committees were ignored; and an *ad hoc* body was set up "to make recommendations as to any practicable measures for reducing the cost" of working-class housing.[4] The composition of this seems to have been planned with a definite end in view. All but three of the members[5] strongly urged the limitation of public housing activity, to leave an open field for the private builder, and the substance of the recommendation was embodied in the 1923 Housing Act.

In 1923 the Board of Trade and the Ministry of Health set up a joint statutory committee[6] (with both technical and interested members) to keep a continuous watch on the prices of building materials. It was to pay special attention to profiteering, and unsuccessful attempts were made later to increase its powers in this respect.[7] This committee still existed in 1939 and issued

[1] *M. of H. Annual Report*, 1919–20, p. 44: cf. *The Times*, August 24, 1921.

[2] *Report*, 1921 (H.M.S.O), p. 69.

[3] *H. of C. Debates*, 5th Series, vol. 152, col. 980. Cf. vol. 147, cols. 840–841.

[4] *The Departmental Committee on the High Cost of Working-class Dwellings. Report*, July 1921 (Cmd. 1447).

[5] It is worth noting that the reports both of the Unhealthy Areas Sub-Committee and the Committee for the South Wales Regional Survey had been unanimous.

[6] The Inter-departmental Committee on the Prices of Building Materials.

[7] *H. of C. Debates*, 5th Series, vol. 179, cols. 854 ff. and vol. 180, cols. 580 ff.

regular bulletins; a good deal of its work was done informally.[1] In 1924 its "interested" personnel was strengthened by the appointment of new members from the Building Industry and Materials Supply Committee, set up under the 1924 Housing (Financial Provisions) Act to make proposals with regard to supply problems.[2] They mainly represented interested parties in the private building trade, and the first of them was assisted by local committees representing employers and workers (and, in some cases, local authorities).

The change in departmental outlook is thus reflected in the disappearance of the "planning" committee of the impartial and expert type and its replacement by "packed" bodies, or committees representing the more important private interests. The former are used to define the new policy on which the State has already decided, the latter to supplement legislation in carrying it out. A similar tendency is to be observed in the field of rent restrictions. In 1920, when the first post-War committee on the subject was established (under the chairmanship of the Marquess of Salisbury), this was hardly a controversial issue. It was generally agreed that the restrictions would have to be maintained and extended for the time being. The personnel of the committee was small, distinguished, and impartial—it had only five members, including an eminent county court judge. Its proposals were embodied in the 1920 Rent Restrictions Act. The 1922 committee was a much larger and more representative body than its predecessor. Its membership was apparently still intended to be "impartial,"[3] though it is clear that a personnel had been chosen likely to report in favour of decontrol. It had fourteen members, including three who had sat on the Salisbury Committee, and five M.P.s. By the time this committee had made an interim report, the Coalition Government had resigned. It was reappointed in December under a new chairman (the Earl of Onslow) and made its final report in 1923. The 1920 report had been unanimous, with one minor reservation. But the personnel of the Onslow Committee split into "majority" and "minority," and several of

[1] *H. of C. Debates*, 5th Series, vol. 207, col. 533.
[2] *M. of H. Annual Report*, 1924–25, p. 47.
[3] *H. of C. Debates*, 5th Series, vol. 156, col. 1447.

the signatories of the majority report made significant reservations. The extent to which the issue had become one of public controversy is also shown by a remark made in the Committee's account of its work, to the effect that it had "received over four thousand letters from various sources,"[1] not including letters written to individual members. It also sent out a questionnaire to about ninety external organizations, and distributed a circular to obtain the views of county court judges.

The majority report recommended de-restriction after a transitional period. The minority report (signed by two members) rejected the majority argument that restrictions were interfering with new building, and thought the cure for the housing shortage was a State-aided housing programme by the local authorities. The Government made a political miscalculation, and proceeded to put the majority proposals into operation in the 1923 Act. Open protests and lost bye-elections indicated their error. A new Act was rushed through to prevent "unreasonable" evictions from taking place,[2] and in 1925 legislation was enacted[3] extending the period before complete de-control should come into operation. This was renewed yearly until 1933.

No advisory body was appointed to deal with housing between 1924 and 1931. In the latter year, the Labour Government set up a statutory committee under the Housing (Rural Authorities) Act,[4] to advise with regard to the granting of a new rural housing subsidy. It also established bodies to report on town planning needs, but these had barely been appointed when the Government resigned.[5]

For a time after 1931, housing policy was strictly subordinated to the desire for "economy." The actions of the rural housing committee appear to have been mainly negative. Applications were received with regard to more than seven thousand houses from the local authorities, but the committee refused even to

[1] *Final Report* (Cmd. 1803 of 1923), p. 6.
[2] Prevention of Eviction Act, 1924.
[3] Rent and Mortgage Interest (Restrictions Continuance) Act, 1925.
[4] Section 1.
[5] The Departmental Committee on Regional Development, appointed in conjunction with the Scottish Office and the Ministry of Transport, was concerned with public works schemes. It issued an interim report in March 1931; then it disappeared from view. The other committee was appointed to report on garden cities, and its work is dealt with below, pp. 254–5.

consider grants for more than two thousand of these,[1] and finally decided that building costs were so low that no assistance at all was necessary.[2]

By 1933 a change in the attitude of the department was apparent. Preparations were made for a campaign against the "slums"; and in March 1933 the Ministry of Health appointed a Committee on Housing, to consider some special problems not covered by existing legislation, but relevant to the new intentions of the department. This body had ten members, mainly noteworthy for the fact that all of them except the chairman were members of the House of Commons. All but two were supporters of the Government. They were not for the most part persons with any great practical experience of housing problems, though they represented a high level of general ability. No attempt was made to represent the local authorities' associations, or even those authorities particularly affected by bad housing conditions.

The Committee's terms of reference were to report on measures to deal with working-class houses not taken account of in clearance or demolition schemes, and also to consider how the supply of houses could be increased "without public charge" through public utility societies. The financial restriction limited the scope of the recommendations, but was consonant with the expressed intentions of the Government with regard to ordinary house building. The Committee recognized its own limitations. "We were not charged," it writes in its report, "with the duty of re-writing the Housing Acts or of making proposals for a new general housing policy."[3] However, it took a good deal of evidence from the local authorities and from various other associations and individuals interested in housing, and produced a useful report in a short time.

The 1935 Housing Act adopted most of its proposals; and as a result of its recommendations with regard to flats, a departmental committee on this subject[4] was set up in July 1934. This was a large and wholly expert body, and performed its work

[1] *M. of H. Annual Report*, 1931–32, p. 109. [2] *Ibid.*, 1933–34, pp. 157–8.
[3] *Report, Departmental Committee on Housing* (Cmd. 4397 of 1933), p. 4.
[4] The Departmental Committee on the Construction of Flats for the Working Classes.

through seven sub-committees, which contained a large number of co-opted members.[1] The Building Research Station of the Department of Scientific and Industrial Research acted as a technical staff. Two reports appeared (in 1935 and 1937),[2] which were of great value in guiding policy.

Under the 1935 Housing Act,[3] the Minister appointed two new statutory bodies—the Central Housing Advisory Committee and the Rural Housing Committee. The former was set up in November 1935, and the Minister himself was chairman (with his Parliamentary Secretary as vice-chairman). The Committee had twenty-five other members,[4] and would have been an unwieldy body for most purposes. But it was intended, as in the case of the Housing Advisory Council, that the detailed work should be left to sub-committees. The personnel was chosen on a very wide basis, but was clearly intended to be largely "expert" in character, though the various political parties were represented. The main aim was to secure a body of fairly distinguished citizens known to have interest in and practical experience of the housing problem. They included, for instance, the chairman of a well-known building society, the general secretary of a building trade union, the chairman of the L.C.C. housing committee, a town clerk and the director of housing of a large provincial city. The Committee had specific terms of reference, but was not restricted to them and could "make representations to the Minister on any questions of general housing concern."[5] It was not intended to meet frequently, and came together in full conference only four times up to 1937, then mainly for the purpose of hearing the reports of the sub-committees.[6] These reports were made at the instance of the Minister. He had, for instance, expressed himself dissatisfied with the progress in rural areas, under the new legislation.[7] The sub-committee on rural housing was asked

[1] On one of the sub-committees, that concerned with "habitability," there was a majority of co-opted members.

[2] H.M.S.O.

[3] By sections 24 (1) and 33 (1).

[4] Three more were added later, bringing the total membership up to thirty.

[5] *M. of H. Annual Report*, 1935–36, Cmd. 5287, p. 75.

[6] The sub-committee on rural housing met about ten times in the same period.

[7] Cf. report of speech at Chelmsford. *Local Government Chronicle*, July 25, 1936.

to report on this and other questions. Its work was of special interest as it made use of the questionnaire method for obtaining a great deal of its evidence, and for indicating the sort of evidence it wanted from its oral witnesses.[1] Its task was lightened by the fact that many of the general principles which must govern a rural housing programme were agreed upon in advance by witnesses. As a result of the Committee's recommendations, a new subsidy was provided for agricultural dwellings.[2] The Housing Management Sub-committee made a report in October 1938[3] on some problems arising out of the management of municipal housing estates, and this was published. The Sub-committee obtained a good deal of evidence, most of it from local authorities, and made various suggestions with regard to the training and duties of housing managers, and the need for "social education" on new housing estates. The report was accepted by the Minister and sent by him to the local authorities with an acompanying circular.[4] The Central Housing Advisory Committee represented in 1939 the greatest concession which the department was prepared to make to the demand to "take housing out of politics." As it was, the committee—in its work of collecting material on particular points and acting as a general stimulant to local authorities and to the department—worked within a very limited range, though it seemed to be considered useful by the official of the Ministry.

The Departmental Committee on Garden Cities and Satellite Towns which was appointed in 1931,[5] but did not begin its work until the middle of 1932, issued a report[6] at the end of 1934. It had been sitting for nearly three years, but had not met more than twenty times in that period. Its personnel was twelve in number and expert in character, though the experts included representatives of large local authorities and existing garden cities.

[1] See *Second Report*, 1937, H.M.S.O., which includes a summary of evidence taken.

[2] Under the Housing (Financial Provisions) Act, 1938. Existing legislation for improvement was extended in the same year, by the Housing (Rural Workers) Amendment Act. [3] H.M.S.O. [4] *Circular* 1740.

[5] It had been planned to begin its sittings at the end of September 1931 (*Local Government Chronicle*, August 8, 1931, p. 612).

[6] Published 1935. H.M.S.O.

One of the members was an authority on Scottish town planning problems.

The main recommendation of the Committee was in favour of the establishment of a National Planning Board, with statutory powers, to survey the problem and co-ordinate town-planning development on a national basis. This Board was to be "appointed by the Minister of Health, who would answer questions in Parliament, and be ultimately responsible for it."[1] It was evidently to have a similar status to the Unemployment Assistance Board. The Committee also registered its approval of the notion of the "garden city," but thought it could not be considered apart from the wider problems of urban planning as a whole, which must be settled on a national scale. These proposals have not up to the present been accepted.[2] They were indeed an implicit condemnation of the terms under which the Committee was appointed; for these had made it clear that it was to discuss the problems connected with garden cities in isolation from general questions of planning. The Committee was probably intended to produce a report much more restricted in scope than it did, dealing more fully with the detailed points indicated in the terms,[3] and not usurping the functions of a hypothetical Royal Commission on Towns.

Meanwhile, in 1932, the Town and Country Planning Act, introduced while the Labour Government was in power, was passed, not without some drastic amendment. The Minister announced during the course of the debate on the bill his intention of setting up a committee to assist in carrying out its provisions. The local authorities' associations, and bodies representing various other interests or views on the subject of planning, were invited to send representatives, and the committee was largely composed of these. Its chairman was an important official in the Ministry, and it had twenty members. It was established in June 1934, to consider general administrative problems of

[1] *Report*, p. 26.

[2] The Report receives a bare mention in the *Annual Report* of the Ministry for 1934–35. It has received a certain belated publicity in the *Minutes of Evidence* of the Royal Commission on the Geographical Distribution of the Industrial Population.

[3] E.g. how industries might be attracted to garden cities, how the financial problems arising from their establishment should be solved, etc.

town planning and any special topics "which may from time to time be referred" to it, also "as occasion may require, to make recommendations," presumably on its own initiative.

Its first task was to report on the new clauses drawn up in the department for use in the preparation of town planning schemes by local authorities. During this time it met regularly,[1] but for a while after this it suffered from not having any specific tasks to perform, and apparently met rather intermittently. Some months after its appointment (in December 1934) the Minister made this statement: "The function of the Committee is, as its name implies, to give me advice as occasion may require. I do not think that this function is one which leads naturally to the preparation of annual reports by the Committee itself, but its activities will be recorded in the annual reports of the Ministry of Health."[2] Anyone who searched in these in the early years of the Committee's existence would, however, be disappointed to find that it barely secures a mention.[3]

Later, however, it revived considerably in importance. At the end of 1937 it was asked by the Minister to consider a motion of the House of Commons with regard to the destruction of beauty through ill-planned development, and to make recommendations. This it did in a report published in October 1938.[4] Its proposals were in general within the framework of existing planning legislation, as it argued that "we are satisfied that a great deal can be done to secure the preservation of the countryside without radical alteration of the existing system."[5] Such amendments as it recommended were not of a fundamental kind, though it expressed its disapproval of the division of control between highway[6] and health authorities. It proposed a change

[1] Seven times between June 1934 and August 1935 (see *M. of H. Annual Report*, 1934–35. p. 170).

[2] *H. of C. Debates*, 5th Series, vol. 295, col. 234. November 22, 1934.

[3] It is mentioned in the *Annual Report* for 1936–37, on account of some minor recommendations which it made with regard to the model clauses.

[4] H.M.S.O.

[5] *Report*, p. 2. The wider issues of legislation came within the scope of the Royal Commission on the Geographical Distribution of the Industrial Population, which was sitting at the time.

[6] The powers under the Restriction of Ribbon Development Act, 1935, were vested in the Ministry of Transport, while other town planning matters were the concern of the Ministry of Health.

in the system of zoning, involving a new kind of "rural zone." It thought that the Minister should play a more active part in planning work, in collecting and providing information for the planning authorities, and in taking steps to educate the general public. It made new recommendations for the control of advertising, of the cutting-down of trees, and of "holiday" areas, and thought the control of both the design and siting of buildings could be tightened up. These proposals have been approved by the Minister and circulated to the local authorities.

Towards the end of 1930 a new committee on the Rent Restrictions Acts had been appointed, its terms altered from those of its predecessors to exclude consideration of agricultural cottages. Full decontrol, as provided for under existing legislation, had been suspended since 1925,[1] but those houses which were subject to decontrol on vacant possession had been gradually falling out of the restricted group since that time. The Government felt a re-examination of the position was necessary, in order that a policy could be elaborated for new legislation.

The new (Marley) Committee had fifteen members—and two were added a month after it was appointed to represent the views of the local authorities. Two of these had served on the Onslow Committee which reported in 1923. The personnel included seven M.P.s, all parties being represented. Amongst the others were a county court judge and a sheriff and local magistrate from Scotland.

The Committee considered a great deal of evidence—oral and written—and held forty meetings before it reported, in July 1931.[2]

Since the last legislation on the subject, new housing had partly overcome the shortage of middle-class houses, and the Committee recommended that some of these should be immediately decontrolled, while the others were to remain subject to decontrol on vacant possession. Control was to be maintained over the rents of working-class houses, some of which had by this time been decontrolled under the 1923 Act. All but one of the Committee's members signed the majority report, which was published in July 1931. The Committee also emphasized the continued short-

[1] See above, p. 252.

[2] Cmd. 3911.

age of working-class houses, and urged the local authorities to concentrate on the provision of these at moderate rents.[1]

The Labour Government had no time to consider the provisions of the report before it fell. They were, however, largely incorporated in the 1933 Rent Restrictions Act. This also provided for the ending of all control by 1938—an optimistic forecast which was not justified in the event. Thus a report issued by a committee appointed under one Government was readily accepted by the Minister of another; and little seemed to divide the two political parties on the subject. There was, in fact, a temporary repetition of the situation that had existed immediately after the War of 1914–18.[2]

As the date for complete decontrol approached, a new committee was established by the National Government (in May 1937), to consider whether it should "continue or terminate or amend" existing legislation. The Chairman was Viscount Ridley and the personnel included members of local authorities, and six M.P.s from different parties, as well as members of the legal profession. Six of these had served on the Marley Committee of 1931, and two on the Onslow Committee. The procedure of this body was similar to that of its predecessors, but one new feature was the appointment of a special sub-committee to deal with statistics—a reflection of the feeling that the figures which had hitherto formed the basis of recommendations had been neither adequate in quantity nor carefully interpreted. The attempt to provide a more carefully-reasoned programme, however, merely resulted in the proposal of a new criterion of decontrol which was not accepted by the Government.

The majority report[3] was signed by eleven of the fourteen members (two with reservations). It recommended that about 60 per cent of the houses subject to decontrol on change of tenancy should be completely decontrolled, in accordance with the 1933 legislation.[4] As to houses with lower rents than

[1] This proposal was communicated to the local authorities in *Circular* 1238 (January 1932).

[2] The one dissenting member from the 1931 Report came from Scotland, where housing conditions were very different from English.

[3] December 1937 (Cmd. 5621).

[4] No change in the existing system of control was proposed for Scotland.

these, an original suggestion was made. Gradual decontrol of these was to be secured by a slow lowering of the limit of control over a period of time based on the "overcrowding" percentage for the area concerned. The signatories of the minority report (the Labour members[1] of the committee) pressed for a continuance of "control in some form" over the lower-rented groups.

The main proposals of the majority report were accepted by the Government in a statement of policy issued in February 1939[2] but not the scheme for relating decontrol to overcrowding. This was considered to be a somewhat artificial criterion,[3] and a vaguer and more flexible formula was substituted. An Act incorporating these measures became law in May 1938. The new plan to make further decontrol "discretionary" may perhaps be classed as yet another attempt to take a controversial question "out of politics."[4] How far it will be successful remains to be seen.

V. ENVIRONMENTAL SERVICES

All but one of the committees considered under this head were concerned with questions relating to water supply and pollution. The one exception dealt with a topic raising issues of a similar character—smoke abatement. An important characteristic of the problem with which these bodies dealt was that they affected a large number of frequently conflicting interests, among which the local authorities themselves must be included. The main reason indeed for the serious deficiencies in existing provision was that authority remained largely in the hands of small local units, who neither pursued an active policy of their own, nor enforced the existing law limiting the activities of private interests.

[1] One of them, a Labour M.P. for a Scottish constituency, was the single dissenter from the conclusions of the 1931 Report, and one of the two minority signatories in 1923.

[2] Cmd. 5667.

[3] In addition, the standard of overcrowding adopted (that of the Ministry of Health) is generally admitted to be rather inadequate, if not positively misleading.

[4] Cf. *The Times*, February 18, 1938, leading article: "The forthcoming Bill . . . promises at last to transfer a most difficult question from the sphere of legislation to the sphere of administration, of which the impartiality is safeguarded by the universal desire to keep rents reasonable."

In such circumstances, an advisory body could only hope to secure acceptance for its proposals with the willing co-operation of the central department; and this, as we shall see, was in most cases lacking.

(a) Smoke Abatement

A Bill on the subject of Smoke Abatement had been introduced in 1914, but was withdrawn on the promise of a departmental committee on the subject. This was duly set up, but was suspended during the War,[1] and not reconstituted by the Minister of Health till 1920. It was of an impartial character. An interim report was prepared in response to a request by the Minister, who had argued that it might be useful to the local authorities in their new housing schemes. But its conclusions were evidently not to the department's taste; and the report was not circulated to the local authorities until Parliament insisted.[2] The Final Report of the Committee was unanimous. It maintained that, "although amending legislation to a limited extent will be necessary, the chief requisite is the enforcement of the existing law, strengthened and altered as to its administration in accordance with the recommendations which we have put forward."[3] The recommendations of the Committee were supported by "a large and influential deputation,"[4] to whom the Minister "promised . . . to support a Bill on the lines of the Committee's recommendations."[5] These had resulted from a most thorough investigation, hampered a great deal by lack of already existing data.[6] Nearly fifty meetings had been held, a hundred and fifty witnesses called, and visits paid to five large towns. Two members went to investigate the measures employed to deal with this problem in Germany (which resulted in some criticism in the House of Commons).[7]

On the basis of these reports, a Bill was prepared and read.

[1] According to the Minister (*H. of C. Debates*, 5th Series, vol. 147, col. 470) because "it was considered that further investigation of the important problem was then necessary."

[2] See Introduction by Lord Newton (the Committee's Chairman) to *The Smokeless City*, by Simon and Fitzgerald, pp. vi–vii.

[3] *Final Report*, December 1921. H.M.S.O., p. 31.

[4] *M. of H. Annual Report*, 1921–22, p. 37.

[5] *Ibid.*

[6] See *Interim Report* (Cmd. 755 of 1920).

[7] *H. of C. Debates*, 5th Series, vol. 147, col. 470.

But "further consideration" was "postponed," so that consultation with industrial representatives could take place. However, the Ministry's Annual Report pointed out, "a fresh Bill is being prepared."[1] Instead, the Bill was completely dropped for the time being, as the department preferred persuasion to force, and "conferences with the manufacturers were preferable to legal proceedings."[2] Finally, in 1926, the Public Health (Smoke Abatement) Act was passed, embodying some of the Committee's recommendations.[3]

The Smoke Abatement Committee suffered from two disadvantages. The *ad hoc* advisory body is not in any important sense a research organization. A reasonably complete set of data must be quickly available to it concerning the problem in hand if it is to make a satisfactory judgment. This was not the case with smoke abatement. Much research on the problem remained to be done, and has in fact been done since, both by private firms and by public organizations like the Smoke Abatement Society and the Department of Scientific and Industrial Research. Secondly, action had been forced on the department from outside, and it was a problem in the settlement of which any rash changes might create great offence. The Act embodied only those changes which were absolutely necessary to satisfy the volume of opinion in favour of an alteration in the law.

(*b*) *Water Supply and Pollution*

In 1920 the Water Power Resources Committee had[4] recommended that water supplies should be put under the control of a Water Commission, with statutory powers, and that an interdepartmental committee should be set up as a liaison office between the Commission and the departments, and to represent the various public water interests. Increased powers were also to be granted to the departments, and a technical commission was to institute further inquiries. Finally, it was proposed "that Watershed Boards should be constituted by the Water Com-

[1] *M. of H. Annual Report*, 1922–23, p. 39. [2] *Ibid.*, 1923–24, p. 46.
[3] *Vide P E P Report on British Health Services*, p. 48.
[4] Set up by the Board of Trade and the Ministry of Reconstruction in 1918. The Ministry of Health nominated members in November 1919. The Report referred to here is Cmd. 776 of 1920.

mission . . . to exercise supervision over all water interests in a river basin"[1] and with control over pollution.

This Committee was a very obvious product of the immediately post-War years, and the recommendations stood no chance of survival. Neither Water Commission nor Watershed Boards were established; and progress in the field for the next ten years was very slow. As an alternative to more drastic action a series of advisory bodies appeared on the scene.

In 1922 the Ministry set up a standing Advisory Committee on Water Supply, "to consider from time to time questions relating to public water supplies on which the Minister of Health will desire the advice of the public water supply interests." This was in no way the body the Water Resources Committee envisaged, as it had no statutory powers. Its personnel consisted largely of persons connected with the British Water Works Association and the Institute of Water Engineers,[2] and it did most of its work through sub-committees, reporting on particular questions mainly of a technical character.[3]

The drought of 1934 brought a revival of concern regarding water supply (particularly in rural districts), and the Minister, under the strongest pressure from public opinion and the Press, rushed through emergency legislation—some of it rather ill-advised. A survey of water resources had been begun some years earlier, and the Minister gave the impression that it had been satisfactorily carried out.[4] However, to make sure, a new survey was started, and a committee (the Inland Water Survey Committee) was set up to advise with regard to it, "and, in particular, to make an annual report on the subject."[5] This was a wholly expert body, of eleven members, and interested representatives were excluded.

When the immediate crisis was over, the proposals of the Advisory Committee on Water began to receive some attention. It had been suspended in 1931 as an economy measure, and since

[1] *Final Report*, H.M.S.O., 1921, p. 82.

[2] Its personnel numbered nine on appointment. Later its membership was broadened, and the committee now has fourteen members.

[3] Cf. *H. of C. Debates*, 5th Series, vol. 160, col. 859.

[4] *Ibid.*, vol. 284, col. 524.

[5] *M. of H. Annual Report*, 1934–35, p. 26. It issued a memorandum on the principles involved in its work, in September 1936 (H.M.S.O.).

its reinstatement had been mainly concerned with regional planning.[1] Its recommendations were now handed over for consideration to a Joint Committee of the two Houses, which was to hear the views of still more interests before reporting on them. Its report was favourable, and some of the proposals were finally embodied in the 1936 Public Health Act.

In 1927 a Joint Standing Advisory Committee on Rivers Pollution was established by the Ministries of Health and Agriculture "to report . . . on any legislative, administrative or other measures which appeared to them to be desirable." The most important proposal contained in its first two reports was that Pollution Boards should be established, extending where possible over the whole basin of the river concerned. The initiative for such a step was, however, in the hands of County and County Borough authorities, and they were busy adjusting their organization to the new Local Government legislation. So very little was done.

The immediate cause of the setting up of this advisory body had been a deputation to the Government in February 1927 from affected parties. As a result of this, but also because it would have in any case to deal with all kinds of rival interests, the Committee was larger[2] and more representative of local authorities than the Advisory Committee on Water Supply. In addition to the voting members, assessors from various Government departments interested were present at its meetings. It received technical assistance from the Ministry of Agriculture and the Department of Scientific and Industrial Research.

In 1929 the passing of the Land Drainage Act altered the statutory position with regard to Pollution Boards and put the initiative in the hands of the central department. But little advantage was taken of this, and in 1931—like the Advisory Committee on Water—the Committee was suspended as a contribution to the economy campaign.[3] Its meetings were not

[1] Cf. *M. of H. Annual Report*, 1932–33, p. 15, and *H. of C. Debates*, 5th Series, vol. 287, col. 566.

[2] It had sixteen members as against the other committee's nine.

[3] A report prepared in this year was not published "owing to the economic situation then prevailing." *Report*, 1937 (H.M.S.O.), p. 3. A summary of its contents is to be found in the *Ministry of Health's Annual Report*, 1932–33, pp. 16–17.

resumed till 1935, and it did not report again till July 1937, by which time its earlier recommendations had been partially embodied in the Public Health (Drainage of Premises) Act of the same year. In its new report, the Committee reiterated earlier proposals and suggested that "the question of the formation of river authorities . . . should receive immediate consideration by an authoritative body, who would hear evidence and arrive at conclusions." The Committee itself had come to the decision that these authorities should have general powers[1] over water supply problems as a whole. This took the matter outside its own terms, and its proposal was met by referring the matter to yet another body—a newly formed Central Water Advisory Committee. After this it did not meet.

One rather obscure body concerned with water supply, which met early in this period, was a conspicuous success—perhaps because of the unambitious nature of its terms of reference.[2] This was a committee set up to standardize water fittings and propose model bye-laws for preventing waste and contamination. At the end of 1922, the British Waterworks Association had made proposals on these lines, which had raised objections from manufacturers of water fittings and property owners. In August 1923 representatives of these (and experts from the department and the local authorities) met to resolve their differences, and reported unanimously in 1924 and 1925.[3] The Minister was moved to congratulate them on this achievement "in a subject involving so much controversy and so full of detail," and adopted their proposals as they stood.[4]

VI. ROYAL COMMISSIONS

The Royal Commission on London Government was set up in October 1921, following a request of the London County

[1] This was in line with the views of the Advisory Committee on Water, and with the *Report* (July 1933, H.M.S.O.) of a representative Departmental Committee on Thames Floods.

[2] Cf. Sir Gwilym Gibbon, *Public Administration*, 1926, p. 262.

[3] H.M.S.O.

[4] 1925 *Report*, p. 2, cf. *M. of H. Annual Report*, 1925–26, p. 84.

Council.[1] It was to consider the administration of London and the surrounding area from the point of view of "greater efficiency and economy in the administration of local government services," and of "any inequalities . . . in the distribution of local burdens."[2] The Commission was to be "an impartial body, and was not to contain members representative of the various authorities or interests concerned."[3] As if to emphasize this fact, a former Speaker of the House of Commons was appointed as chairman. The other members, nine in all (two of whom resigned before the Commission reported), were persons of general experience in administration or in law.

The interested groups each arrived before the Commission with a "case," like the parties to a legal suit. In the words of one of the minority reports, "the proceedings have taken very much the form of a litigious inquiry, without the advantage which such inquiries give of having the evidence tested by cross-examination upon prepared materials."[4] One hundred and twenty-five witnesses were interviewed, mostly from the London County Council and neighbouring authorities. Written statements were received from many other sources. The commissioners could not, as was pointed out, behave like judges in a court, as there were none of the means open to the courts for arriving at the truth; in addition, the parties to the investigation failed to state their cases in precise enough terms for any judgment to be made on the basis of these. No detailed information had been prepared in advance for the commissioners' benefit.

As a result of this absence of data, and of its failure to find any common ground between the different interests, the Commission's work proved fruitless. It produced three different sets of proposals (one majority, and two minority). Dr. Robson has criticized it on the ground that it failed to remedy the deficiencies

[1] *Report, Royal Commission on London Government*, Cmd. 1830, 1923, p. 3. In 1919 the L.C.C. passed a resolution in favour of an inquiry, and a deputation was sent to the Prime Minister in December 1920 (cf. *H. of C. Debates*, 5th Series, vol. 146, col. 1408).

[2] Other advisory bodies had been concerned in the immediate post-war period with the running of London's public services, e g. a committee of enquiry into the organization of the Metropolitan Water Board (*Report*, Cmd. p. 45, 1920.)

[3] *H. of C. Debates*, 5th Series, vol. 146, cols. 428–430. [4] *Report*, p. 141.

of its evidence, by "making observations directly or through trained investigators attached to the Commission."[1] But it is doubtful whether a Royal Commission is a suitable body nowadays for this purpose. More serious is the criticism that its procedure was too inflexible to enable the assertions of individual witnesses to be fully discussed in the light of counter-proposals or of the available data on the subject.

The Majority Report (signed by four members, including the Chairman) recommended only minor changes, and proposed the establishment of a London and Home Counties Advisory Committee, to advise on problems of transport, town planning, housing, and main drainage. This was rejected, though later a Traffic Advisory Committee was appointed for the area, and, in 1927, a Greater London Regional Town Planning Committee. The latter has been quite ineffective. An inquiry was also set on foot with regard to the correct area of drainage purposes; but it did not report until 1935.[2]

The first minority report (with two signatories) suggested a clear division between services to be administered for the whole area by the London County Council, and others to be operated "in complete independence" by reorganized local authorities with county borough status. The second minority group (also two in number) made a more careful analysis of the situation than the other commissioners, and recommended "the creation of a new directly elected authority for Greater London," with some control over all services in the area. Neither of these reports has had the faintest practical importance.

While the Royal Commission on London Government was sitting, the County Councils' Association was agitating for a commission on county borough boundaries.[3] On receiving their representations, the Minister of Health invited them to sit in conference with the Association of Municipal Corporations, to consider their differences. These discussions "led to no definite result,"[4] and meanwhile the House of Commons had rejected

[1] *The Government and Misgovernment of London*, p. 297.
[2] *Greater London Drainage*. H.M.S.O.
[3] See e.g. *Municipal Journal*, December 2, 1921, p. 902.
[4] *M. of H. Annual Report*, 1922–23, p. 57.

a Bill confirming provisional orders for extending the boundaries of two large towns.[1] In June 1922, the Minister of Health announced that a Royal Commission was to be appointed, as the rivalry had now grown to the point where a final ruling was necessary. He had come to the conclusion that "no amount of meetings (would) reconcile the fundamental differences between"[2] the opposing groups. The Commission, however, set itself to discover the compromise which the Minister regarded as impossible to find: and he himself later described its task as to obtain "a solution satisfactory to all concerned."[3]

The Chairman of the new Commission (the Royal Commission on Local Government) was the Parliamentary Secretary to the Ministry of Health (Lord Onslow). The other twelve members were nearly all representatives of the local authorities' associations. The terms of reference themselves were submitted to these for criticism before they were finally published.[4] The Association of Municipal Corporations and the County Councils Association were then each asked to nominate three representatives, and the other two associations one each. The other members were selected by the Minister, and included two K.C.s and two Members of Parliament.[5] The terms of reference restricted the Commission in the first instance to reporting on the law and procedure relating to borough extensions, but left it free to make general recommendations on the "constitution, areas and functions" of local authorities.

In some respects the Commission's procedure was a model for advisory bodies. It began by asking for memoranda from the local authorities on matters of fact, and did not begin to hear interested evidence until eight months after its appointment. Then the main contesting groups submitted a joint memorandum, outlining the points on which they were already agreed; and the Commission began to take oral evidence. In securing this, there

[1] *H. of C. Debates*, 5th Series, vol. 153, cols. 2486–2530.

[2] *Ibid.*, vol. 155, col. 306.

[3] *Ibid*, vol. 195, col. 1125. Minister's speech during the second reading of the Local Government Bill, 1926.

[4] *Municipal Journal*, January 26, 1923, p. 57.

[5] Four members died, and one resigned, before the Final Report, and three new members were appointed.

was further co-operation between the smaller local authorities, which again avoided the necessity of going over the same ground several times. The Commission paid visits to local areas where the relations between county and borough authorities were particularly complex, and talked to local officials. At this stage no other outside evidence was taken except from Government departments.

The first report was signed unanimously in August 1925.[1] It recommended the abolition of provisional order procedure for constitutions and controversial extensions of county boroughs, suggested reforms in the system of local inquiries and financial adjustments, and laid down principles to govern decisions to constitute or extend county boroughs. This unanimity was a matter of great satisfaction to the Minister, and legislation was introduced to give effect to the main recommendations.[2]

After this, the Royal Commission's work was held up until the middle of 1927 by the decision of the Government to proceed with the reform of the Poor Law. Then, in April 1928, the Government announced its intention of introducing a Local Government Bill before the end of the year, and the commissioners were asked to report as quickly as possible on matters which could be conveniently included in this. The report appeared in October,[3] and dealt with the areas and powers of the smaller local authorities within the counties. It recommended a review of areas, a widening in areas of charge for certain services, and the handing over of others to the counties. Most of its provisions were embodied in the 1929 Local Government Act.

The Final Report of the Commission[4] was a relatively unimportant document, overshadowed—as the commissioners themselves recognized[5]—by the major changes of the 1929 Local Government Act, with which it had little to do.

This was undoubtedly the most effective of the Royal Commissions whose work is considered here, and it is worth while to examine the reasons for this. In the first place, the commissioners were given a limited problem to settle, and some assurance that

[1] *The Constitution and Extension of Boroughs* (Cmd. 2506).
[2] Local Government (County Boroughs and Adjustments) Act, 1926.
[3] Cmd. 3213. [4] Cmd. 3436 of 1929. [5] *Final Report*, p. 5.

their decision would be regarded as definitive. The problem was of a character which involved striking a balance between opinions rather than estimating the long-term needs of government on the basis of the objective facts of the situation, and for this work the character of the Commission was well-fitted. On the more general issues arising out of the relations between local authorities, it made only the vaguest of pronouncements, and cannot be said to have failed in a task where it did not try to succeed. It was helped by the fact that, independently of its own work, the Government had decided to undertake various reforms in the field of local government, so that its proposals came at an opportune time.

The Royal Commission on Lunacy and Mental Disorder was established in 1924 to review existing legislative and administrative provision. The problem raised no political issues, but neglect of it might have caused an outcry of considerable proportions—lunacy administration being a topic which is very much "news" for the Press.[1] The Commission had twelve members on appointment,[2] among them two eminent doctors, and several members of the legal profession (including the chairman). The rest of the personnel was made up of representatives of women and distinguished public figures, such as Lord Eustace Percy and Earl Russell. It was intended to form "a small impartial body of persons qualified to deal with the legal and medical issues and the questions of public policy involved."[3]

A report appeared in 1926. Its recommendations were accepted; but it was not until 1930 that the Mental Treatment Act, embodying "the more urgent"[4] of them, was passed—a sidelight on the central authority's conception of urgency.

In the same month that the Royal Commission on Lunacy was established, a commission was appointed in connection with the health insurance scheme (the Royal Commission on National Health Insurance). The terms of reference of the Commission were of a general character and had been "agreed with represen-

[1] A recent court case had attracted great public attention to the lunacy laws (cf. *M. of H. Annual Report*, 1923–24, p. 36).

[2] Two resigned, and another died, before the report was signed. One new member was appointed. [3] *H. of C. Debates*, 5th Series, vol. 171, col. 2189.

[4] *M. of H. Annual Report*, 1929–30, p. 8.

tatives of the medical profession and the committee appointed for the purpose by the Approved Societies' Consultative Council."[1] The bulk of the thirteen commissioners were distinguished public men with a claim both to impartiality and to some expert knowledge on the subject. They included, for instance, two actuaries, and a well-known doctor (who was also sitting on the Royal Commission on Lunacy). None of the members represented any interests in the field of insurance itself,[2] and it is significant that in spite of the fact that a Labour Government had made the appointment, the group of Labour members was compelled to sign a minority report.

When it started work, it realized the need for more expert assistance than its own personnel could provide. In November 1924 a departmental actuarial committee of five members was set up, to advise on technical questions.[3]

Minor recommendations of the majority were embodied in the Economy (Miscellaneous Provisions) Act of the same year. But the main amending act was not passed till later.[4] It based itself on the whole of the majority proposals. But "some modifications . . . were thought desirable as the result of prolonged discussions . . . by the Approved Societies' Consultative Council,[5] and two important proposals of the Commission were rejected—there was no pooling of surpluses, and the insurance committees remained in existence.[6] The Commission's work was thus only in part successful, in spite of the fact that it had proposed no sweeping changes. It had made no serious investigation into the working of the approved society system—this was probably a more complicated task than it could be expected to undertake. A body of expert investigators (armed if necessary with statutory powers) was really needed, to prepare the ground for it.

[1] *H. of C. Debates*, 5th Series, vol. 172, col. 1833.

[2] *Ibid.*, vol. 174, col. 2314.

[3] Its reports are printed as Appendix A to the Commission's Report (Cmd. 2596), 1926.

[4] National Health Insurance Act, 1928.

[5] *M. of H. Annual Report*, 1927–28, p. 185 (cf. *H. of C. Debates*, 5th Series, vol. 206, col. 2329.

[6] Cf. Sir I. G. Gibbon. "The Public Social Services," *Journal of the Royal Statistical Society*, Part IV, 1937, p. 520. The insurance committees "have little of importance to do, the Royal Commission recommended their abolition, and it seems a pity that the recommendation has not been adopted."

The next of the Royal Commissions had under consideration a topic of relatively minor importance. This was the Royal Commission on London Squares, set up in August 1927, to consider whether and on what terms they should be preserved as open spaces. It is difficult to see why a Royal Commission was needed for this purpose. The most probable reason is that the affairs of a capital city were involved, and—more important—those of the rich and propertied classes. In the words of another investigator, it was "felt that a commission would have more influence in obtaining evidence on this delicate subject."[1] The London County Council had already concluded a quite competent investigation before the Commission met, and a private member's bill had been introduced on the subject—the latter was the immediate cause of the Government's decision to undertake an inquiry. The Commission was small, eminent, and largely titled (the Marquess of Londonderry acted as chairman). The London County Council contributed valuable material to it, which was supplemented by a questionnaire to affected parties. Its recommendations involved the permanent preservation of nearly all London's squares as open spaces, on very generous terms to the owners.[2] They were in the main embodied in the London Squares Preservation Act of 1931.

An interval of nearly eight years elapsed before the appointment of the last two commissions with which we shall deal. In 1934, the reports of the new commissioners for the "special areas" were published.[3] That for the North-East argued that there was "a strong *prima facie* case for some measure of unification of the local authorities on the Tyneside," but added that the voluntary achievement of this was "outside the realm of practical politics." It recommended "a committee of experts or a Royal Commission" to give an authoritative opinion. It is worth noticing that from the outset a representative body was not envisaged. When the report was presented to Parliament, the Government agreed to this suggestion. The Parliamentary

[1] Gosnell, "British Royal Commissions of Inquiry" (*Political Science Quarterly*, 1934), p. 91.

[2] *Report, Royal Commission on London Squares*, September 1928, Cmd. 3196.

[3] Cmd. 4728, 1934.

Secretary to the Ministry of Health held discussions with the local authorities concerned before any appointments were made. They were not enthusiastic about the proposal; nor was the central authority very clear in its own mind as to what was needed. Hence the body which resulted (the Royal Commission on Tyneside) was designed on rather unusual lines. When appointed in May 1935, it had only three members, though by the end of the year this number was raised to five.[1] It was an "impartial" and "independent" body, the personnel was not of great eminence, and the terms of reference were "drawn so as to leave the commissioners a free hand." It was, in fact, created to try out some of the ideas which were in the air for reforming local administration, without committing either the central or the local authorities in any way to its proposals. Its size and character was partly dictated by the nature of its work, which involved a certain amount of direct investigation; but it doubtless also represented an attempt to deprive it in advance of any dangerous prestige.[2]

The commissioners sat in London, but visited the Tyneside area and interviewed a large number of councillors and local officials. They also took formal evidence from one hundred and seventy-seven witnesses, all but two of whom represented interests in the area concerned. Some of the local authorities asked permission to be represented by counsel, but were informed that this procedure would be undesirable. Apart from this, little further data seem to have been made available to the Commission. It reported at the beginning of 1937, and, despite its smallness, failed to reach unanimity; one member produced minority proposals. The gist of the majority recommendations was that so-called "national services," including public assistance, education, public health, police, and highways, should be administered regionally by a single Regional Council for Northumberland and Tyneside; for "local" services, the main urban areas on Tyneside were to combine in one large county borough. Two

[1] The original chairman resigned, and three new members were appointed.

[2] Cf. *Local Government Chronicle*, April 27, 1935, p. 317. "Any conclusions reached . . . may . . . form a precedent for developments elsewhere. . . . It is a pity that (it was) . . . not made larger and more authoritative."

ad hoc authorities were to unite river and traffic control for the same area. The minority report argued that the proposed regional council corresponded to no area of common interest, and would leave the new county borough with an impressive status, but without important powers. Control over essential services should be left in the hands of the local authorities, and any amalgamation should be on a smaller scale than that proposed. Further co-operation should be secured where necessary through joint boards.

The argument throughout was conducted in very general terms, and the case for change was not presented with any detail or cogency. Yet the majority recommendations were of a far-reaching character. For some time the Government refused to commit itself. But the proposals were condemned by the almost universal opposition of Tyneside local authorities; and by October 1937 it was stated that they could not be regarded as even a basis for discussion.[1] A conference of the local authorities was called to discuss the minority proposals. The initiative was left entirely to them, and any agreed changes were to be embodied in a local act promoted by Tyneside itself. By the beginning of 1938—when it was clear that no agreement was likely to be reached—the Minister of Health had withdrawn almost completely from the proceedings. The local areas were left to discuss as they might please the problems of fruitful co-operation.[2] The Commission's reports have thus died an early—and not altogether unmerited—death.

A similar fate was met by the report of the Royal Commission on Merthyr Tydfil. This body, like the Royal Commission on Tyneside, was the result of a recommendation by the Special Areas Commissioner for the region; it was appointed at the same time, and it also was a small impartial body. It had two members, both of them with some experience in the field of social investigation. However, unlike the Tyneside Commission, it had specific terms of reference. It was to report "whether the existing status of Merthyr Tydfil as a county borough should be continued," and to recommend alternatives if necessary. Secondly, the need for action was more pressing, as the town concerned was

[1] *H. of C. Debates*, 5th Series, vol. 326, col. 2408.
[2] *Ibid.*, vol. 330, cols. 2144–2145.

manifestly in a condition of decay. Lastly the new Commission adopted more thoroughly than its companion body the method of direct investigation, and produced a much more impressive report. It spent some time in Merthyr Tydfil itself, and even invited evidence from the local population—though it did not get much.[1] Its report appeared at the end of 1935, and recommended that the town should lose its county borough status, while the Minister of Health was to nominate persons to serve as a Committee of Guardians, to avoid the difficulties which had arisen in the equitable administration of public assistance when so large a proportion of the population claimed it.

These recommendations, like those of the Tyneside Commission, put the Minister in an awkward position. They not only proposed drastic action, but action of a kind that might form a precedent for similar changes in many other areas. Again, the department put off the matter. To an aggrieved deputation from Merthyr Tydfil itself, which came to the Ministry of Health in April 1936, the Minister propounded a plan which "might, he hoped, enable him to defer consideration of the action recommended in the report."[2] He appointed the Chairman of the Welsh Board of Health as administrative adviser to the town, to see if the situation could not be cleared up. In May 1937 consideration of the Commissioner's recommendations was again deferred. A recent estimate has shown that the County Borough of Merthyr Tydfil is still absorbing enormous sums from the central government.[3]

The work of these commissions thus produced disappointing results. The most effective of them was the Royal Commission on Local Government, which dealt with precise, if narrow, problems, in a spirit of compromise between interested parties. The Royal Commission on National Health Insurance was a partial success, but it failed to reach agreement on some fundamental points, and some of its more important proposals were rejected. In the case of the commissions on London Government

[1] Cf. *Report, Royal Commission on Merthyr Tydfil* (Cmd. 5039), p. 8. A great deal of the material collected by the Commission is published with the Report.

[2] *Local Government Chronicle*, April 25, 1936, p. 313.

[3] *P E P Report on the Location of Industry*, p. 208.

and on Tyneside, an "impartial" personnel failed to impose their views on the interested parties, and could not even agree among themselves. Both attempted to solve large problems of local organization. The former was so confused by conflicting testimony that it recommended nothing of great importance. The latter made far-reaching recommendations, the reasons for which were not cogently argued, nor made in any way acceptable to the authorities concerned.

VII. CONCLUSIONS

Quantitively speaking, it is clear that the department has had considerable recourse to outside advice—about one hundred and twenty committees reported to it between 1919 and 1929. But the result has been disappointing.

The most striking feature of the bodies we have discussed was the great difficulties which they encountered when broad questions of policy were under consideration. We cannot attribute all the numerous instances of failure to the attitude of the department, though this has clearly played some part. Many advisory committees have been troubled by the absence of adequate factual information on which to base their conclusions. This was often realized at an early stage in investigations, and committees have tried to secure some formal or informal technical assistance, or themselves undertaken direct inquiries.

We can respect the attempts of some advisory committees to undertake direct investigation, without believing that they are normally the right agencies for such work. Some information in the Ministry of Health's field can be obtained fairly easily. This applies, for instance, to those expert bodies which have drawn up standards for foods and drugs, consolidated legislation, or made an inquiry of the limited kind undertaken by the Royal Commission on Merthyr Tydfil and the committees that have reported on institutional provision. Sometimes they are fortunate, as was the Departmental Committee on Maternal Mortality, in having well-organized sources of information. On the other hand, many of the most important questions they have had to consider involve research of a much less easily manageable

character. Most of the obvious abuses in the local government and health services have been eliminated, and, in many instances a good case can be made out for the *status quo* and for a variety of different and incompatible reforms. To judge between them demands investigation of a painstaking character and the use of a highly developed technique of research. This may take time if any useful conclusions are to emerge, and is quite a different activity from the collection of facts to illustrate a preconceived thesis. It also requires a specialized personnel, which may be unqualified to pass judgment on policy.

In this work, the opinions of interested parties are as relevant as the objective facts of the situation, which means that oral examination of interested witnesses is necessary. The people who are best fitted to conduct this may not be good at, or have the time for, direct investigation. The advisory bodies of the Ministry of Health have not been conspicuously successful in their taking of oral evidence, so far as one can judge from their reports. They have been good collectors of opinions, but poor assemblers. The evidence they have received has been an inextricable mixture of fact and prejudice, which they have done little to sort out. Contestants have rarely been stimulated to find common ground, and there has not normally been any provision for the negative check (so well known in the courts) of cross-examination by opposing parties. Such absence of method makes the minutes of evidence (where they are published) painful reading.

This difficulty is closely connected with the one of size. The most efficient committees in the Ministry of Health have had from ten to fifteen members. The latter number seems to be too large for most purposes, while the five members of the Royal Commission on Tyneside and the three of the Committee on the Administration of Public Mental Hospitals were too few. The very large committee (of the type represented by the Consultative Councils, and the Advisory Committee on the Welfare of the Blind) is unsuitable for an *ad hoc* investigation with the aim of producing detailed proposals. But its inclusiveness may make it a valuable means of keeping in touch with many different interests or points of view. In the case of committees reporting on general questions of policy, it is difficult to obtain personnel

expert in investigation, wise and impartial in judgment, and able to secure the amount of co-operation from interested parties that is needed to make the report acceptable. This is particularly true in the Ministry of Health, where the data are complicated, the interests (including the local authorities) well-organized and influential. In their difficulties, advisory bodies have received little help from the department, which has been only too willing to confine its activities to giving the immediately acceptable the force of law, and has neglected its function as an educator of opinion.

To take account of these facts, certain changes of method may be proposed in the constitution and functions of advisory bodies in the health department. Dealing first with *ad hoc* bodies, it appears first that there is a need for more preparatory work before a formal body is established to report on a major issue, or on one which involves the consideration of complicated data.[1] The present slipshod practice of getting technical help after the committee or commission has started its work—with the result that scraps of information, memoranda, the results of questionnaires, pour in upon members already burdened with the responsibility of producing a report in a limited period of time—should be replaced by something more systematic. The trouble is that advisory bodies themselves are not appointed in accordance with any plan. Some sudden pressure from outside results in their appointment by an unwilling and unprepared department, only too ready to postpone the discussion of complex and controversial matters. Research of a technical character should always precede the appointment of a body empowered to interview expert and interested witnesses and to make practical proposals.

This change would to some extent relieve the department of its difficulties in respect of personnel, if only because the committee would need to waste less time in discovering the basic facts of the situation. But certain problems remain. Where the matter is one that closely affects the public welfare it seems to

[1] Some enlightening remarks on this point may be found in the discussion on "The Place of Royal Commissions in Sociological Research," *Journal of the Royal Statistical Society*, Part III, 1937.

be undesirable that particular interests should be represented on the voting personnel, but it is desirable that they should be given some positive part in the investigation. Their representatives might be allowed to ask questions or cross-examine opposing witnesses. If this is not possible, at least their evidence should not be presented in isolation, without reference to the questions raised by their opponents. Heads of inquiry should be drawn up, and some close discussion of these asked for in written memoranda. If the committee cannot resolve differences, it can at least make it clear what they are, and whether there is any common ground. In addition, some members of the committee should be chosen for their skill in dealing with oral evidence; the practice of appointing a lawyer on advisory bodies is already widely followed. But the main function of the reporting body should be conceived as that of sitting back and taking note of a discussion coherently presented before them, without having to confuse their minds in tackling too many exhausting preliminaries.

The main body of the advisory committee members should be chosen mainly from persons of a single qualification—that of being able to make a practical judgment, and draw up a series of precise proposals, capable of being translated into legislation without too many details having to be filled in afterwards. These proposals might be submitted to independent persons of authority and to interested parties for their comments, before signature and publication. Finally, it should be an exceptional practice to appoint more than ten voting members to sit on advisory bodies

Many of these recommendations apply to continuing bodies. There is no clear line between the work preformed by *ad hoc* and continuing bodies. Some of the former sit for considerable periods of time (the Royal Commission on Local Government sat for seven years), while many of the latter have issued important reports on particular items covered by their terms (as did the Advisory Committee on Nutrition). A more significant distinction is perhaps that between bodies whose main aim is to issue formal reports on particular topics, and those which exist simply to keep the department in touch with outside expert or interested groups —a sort of standing conference. To the latter rather different considerations apply from those we have stated above. It is more

important that they should be inclusive, so there are fewer objections to their having a large number of members. In the past, continuing bodies have been most successful in the Ministry of Health, first, when they have approximated to the *ad hoc* type (where, for instance, they have been given a series of fairly restricted topics on which to report); secondly, when they have been set up to formalize some relation between the department and an outside organization which was to the direct benefit of both parties. The department has not on the whole thought continuing bodies with a more general representation or terms of reference to be of much value; and many outside persons have supported this view.[1] If such a body does not issue formal reports, it is very much at the mercy of the department, and inclined to contribute to its own ineffectiveness by much futile and unorganized discussion. Yet there are many problems in the field of local government and public health which could usefully be kept under permanent consideration by such committees, especially those which involve the work of more than one department. A line on which they might be developed in the future by the Ministry of Health is suggested by the history of the Consultative Committee of the Board of Education after 1919. This Committee has been used as the permanent basis of a series of temporary *ad hoc* inquiries of a general character into the educational system, to suggest investigations that might usefully be undertaken, and to keep in the department's and the public eye recommendations of past committees that have not been immediately adopted. The health department has already made use of advisory bodies of this character in narrow fields of its work.

How much the fate of the proposals of advisory bodies depends on the attitude of the department, both in constituting the body and in handling its reports is clear. The final word usually rests with the Minister. But even though we may not wish to deny him his responsibility, he has a duty towards recommendations which he is not prepared or empowered immediately to accept. His decision is frequently based not on the intrinsic merits of

[1] E.g. G. D. H. Cole, "Method of Social Legislation," *Public Administration*, 1931.

the reforms suggested, but on their practicability at a given moment, or with a given attitude on the part of outside sections of the public. Yet long before a more favourable atmosphere is present, the advisory body may have ceased to meet and its work been forgotten. It is the department's task to see that recommendations are kept in the public eye, and also to undertake the education of opinion with respect to them. In the case of the Ministry of Health, many proposals require the passive or active co-operation of local authorities, interested parties whose temporary dissent is usually based more on conservatism and fear of Whitehall than on any indissoluble opposition to change. They should be given every opportunity to discuss proposals made to the central department through standing or *ad hoc* conferences, which committee members should be permitted to attend. Formal provision might be made for a periodical review of past reports and proposals.

The main function of advisory bodies in the Ministry of Health will doubtless continue to be that of keeping the department in touch with particular groups, or as an intermediary in particular changes which the department or outside opinion strongly desires. But, without interfering with Ministerial responsibility, or coercing opinion, they could be used to transform the central authority from a mere administrative unit, into an active force in the general progress of the public services.

THE USE OF ADVISORY BODIES
BY THE
INDUSTRIAL RELATIONS DEPARTMENT
OF THE
MINISTRY OF LABOUR

by A. V. S. LOCHHEAD

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In this study some attempt will be made to assess the use made by the Industrial Relations Department[1] of the Ministry of Labour in carrying out its work of persons outside government service. This one branch of the Ministry is taken partly for convenience of treatment, since industrial relations are administratively entirely distinct from work relating to unemployment, and partly because that branch illustrates some specially interesting points in the way in which a Central Government Department may be helped by committees containing experienced persons outside official ranks.

[1] The work of the Ministry relating to industrial relations is divided in practice between the Industrial Relations Branch, the Trade Boards Branch and the International Labour Branch. The three are grouped under the one title for convenience.

The Use of Advisory Bodies

Establishment and Functions of the Ministry

The Ministry of Labour was founded under the New Ministries and Secretaries Act, 1916, and the functions relating to Unemployment Insurance, Labour Exchanges, Labour Statistics, Trade Boards and Industrial Relations were surrendered to it by the Board of Trade at the beginning of 1917. It is thus a new department and one, moreover, with functions which have but recently assumed sufficient importance to justify the establishment of a separate Government Department. For this reason and because these functions have undergone rapid expansion due to social and economic change, the Ministry has not the same rigidity of tradition or method as is the case with certain of the other departments.

The nature of the problems with which it deals imposes a further check on inflexibility. On the side of unemployment the Ministry comes in direct contact with a very large section of the community and one which is intensely conscious politically. Government by consent is essential if unemployment insurance, the work of the employment exchanges, and the unemployed training centres are to function successfully. To a considerable extent such consent has been obtained by the establishment of committees, first those on policy which have preceded changes in unemployment legislation, secondly the advisory committees attached to each employment exchange, and to each juvenile employment exchange, and thirdly, judicial Courts of Referees to judge disputed claims.

On the side of industrial relations the Ministry, and through it the Government of the day, is no less open to criticism. By tradition and practice the settlement of wage rates and of conditions of work has, in the main, been undertaken by organized groups of workers and employers. These groups, now banded together in the Trades Union General Council and the British Employers' Confederation, both have a strong desire to maintain their independence of action, through their separate unions and associations, in adjusting wages, hours and other conditions. Both distrust, though for different reasons, direct Government intervention. Employers have always opposed the control of Government, except in times of emergency, an opposition based partly

on the not unnatural desire to be masters of their own affairs, and partly on a fear that Government officials would lay down rigid conditions and methods under which competitive business could not successfully be run.

The workers on the other hand have fought, largely unaided, through their Trade Unions for the rights which they now possess and are fundamentally suspicious, that were Government to assume extensive powers over wage rates and conditions, many of these rights might be lost. Government is still too closely associated with a ruling class for such suspicion to be completely dispelled. The Osborne Case, the Taff Vale judgment and the Trade Union Act, 1927, and the example of other countries are reminders of what may happen to free associations of workers. However little the Ministry of Labour as such may be distrusted (and in actual practice its advice and help is sought by workers and employers equally), the Unions are hesitant to sacrifice any of the powers they at present exercise, though they have on many occasions urged the Government to give legislative sanction to wage and other agreements guaranteeing minimum conditions. The practical question of trade union membership, less necessary to individual workers if wages be regulated by Government, the political aspect of the Trade Union Movement and the fact that the existing wage negotiating machinery functions well, are further arguments against any major interference by the Ministry.

These facts explain the basic policy of the Industrial Relations Department which is, as far as possible, to leave workers and employers to settle wage rates, hours and other conditions by free discussion between themselves, and to leave them likewise the responsibility of ensuring that these agreements are loyally observed. It is only where a breakdown in negotiations appears imminent and likely to lead to a serious dislocation through strike or lockout that the Ministry attempts to promote settlement through its conciliation machinery. In trades, however, where trade unionism is very weak the Department does take a direct part, by setting up independent wages boards with power to determine wages and other conditions and to enforce them. The small number of Acts which are administered by the Department and the limited

powers which they give to the Ministry can be explained too by reference to the independent development of collective bargaining between employers and workers. These Acts are the Conciliation Act, 1896, the Trade Boards Acts, 1909–1918, the Industrial Court Act, 1918, Road Haulage Wages Act, 1937, and the Holidays with Pay Act, 1938. In addition, certain less important statutes come within the department's province as well as the enforcement of the Fair Wages Clause in Government contracts. The Ministry besides maintaining a central staff has conciliation officers in different parts of the country attached to the Divisional Offices of the Ministry, and local Trade Board inspectors.

It is necessary to sketch in this background to the Department's work since it explains many aspects of the use made by the Ministry of committees in helping it to carry out its work. These committees may be divided into four main groups. First, departmental and interdepartmental committees appointed to advise upon policy; second, administrative committees entrusted with a specific function (in this category come the Trade Boards); third, conciliation and arbitration tribunals to help settle disputes (Courts of Inquiry and the Industrial Court itself are included here); fourth, advisory committees such as that on Trade Boards or on Fair Wages. An addition might be made of groups of outside persons formed directly through the department's instigation but with no responsibility to it.

Committees to Consider Policy

Only five committees to consider policy have sat during the period under review. First the Committee on Relations between Employers and Employed, set up by the Cabinet Committee on Reconstruction in 1917 under the Chairmanship of Mr. J. H. Whitley.[1] Though technically this committee does not come

[1] Its membership consisted of:—Mr. J. H. Whitley, M.P., Chairman of Committees, House of Commons, later Speaker of the House of Commons, Chairman; Mr. F. S. Button, Amalgamated Engineering Union; Sir G. J. Carter, Chairman, Shipbuilding Employers Federation; Professor S. J. Chapman, Professor of Economics, Manchester University; Sir Gilbert Claughton, Chairman, London North Western Railway, Mr. J. R. Clynes, M.P., President, National Union General and Municipal Workers; Mr. J. A. Hobson, Social and Economic writer; Miss Susan Lawrence, Labour Party Executive, L.C.C.; Mr. J. J. Mallon, Secretary, Anti-Sweating League, social organizer and

under the Ministry of Labour (that Ministry not being fully established at the time of its appointment), its report was implemented by the Ministry and must consequently be considered here.

The Committee was appointed because of the large number of serious strikes in the main industries of the country during the years 1915 and 1916 and the apparent delays in the settlement of these disputes. There was need to make the shop steward movement constitutional by bringing it within the framework of national machinery, and need to obviate delays in settlement of disputes and to strengthen negotiating machinery where it was weak. Above all there was need to find practical means of applying the ideas of industrial democracy professed by such a large section of the community. The terms of reference required the Committee "to make and consider suggestions for securing a permanent improvement in the relations between employers and workmen and to recommend means for securing that industrial conditions affecting relations between employers and workmen shall be systematically reviewed by those concerned with a view to improving conditions in the future."

The Committee issued five reports. The first related to the setting up of Joint Industrial Councils in trades where the organization of employers and workpeople was already good;[1] the second dealt with the unorganized industries and suggested similar Joint Industrial Councils supplemented by Trade Boards;[2] the third dealt with Works Committees;[3] the fourth discussed methods of conciliation where agreements could not be reached by the contesting parties and recommended the establishment of Courts of Inquiry and an Industrial Court;[4] the final report

writer; Sir Thomas Ratcliff Ellis, Secretary, Lancashire and Cheshire Coal Association; Mr. Robert Smillie, President Miners' Federation of Great Britain; Mr. Allan Smith, Secretary, Engineering Employers Association; Miss Mona Wilson, Secretary, Women's Trade Union League; Mr. H. J. Wilson, Ministry of Labour, Mr. Arthur Greenwood, lecturer and politician, Secretaries.

The following additional members were appointed:—Mr. F. N. Hepworth, Chairman, Employers' side Metal Box Trade Board; Mr. W. Hill, County Chemical Co. Ltd., Birmingham, Sir Maurice Levy, President, Wholesale Clothiers Federation.

[1] Cmd. 8606, 1917.
[2] Cmd. 9002, 1918.
[3] Cmd. 9085, 1917.
[4] Cmd. 9099, 1918.

summarized the evidence and conclusions of the other four reports.[1] Together these reports represented the most thorough investigation undertaken by a Government Committee of industrial relations since the Royal Commission on Labour of 1892; and the recommendations made by the Committee have had the most far-reaching influence not only on the Ministry's policy but also on the development of sound relationship in industry in this country.

The immediate effect of the Committee's main recommendation, which was that Standing Joint Industrial Councils, supplemented by District Councils and Works Committees, should be established in each industry, was to draw a statement from the Minister of Labour supporting this recommendation. Copies of the reports were sent to all important Employers' Federations, Trade Unions and Federations of Trade Unions, and later to the Government Departments and to Municipalities as employers of labour. The Ministry discussed fully the implications of the report with leading trade union officials and employers and sent travelling officers to different parts of the country to promote the setting up of Whitley Councils (as they are now known). They attempted to bring the different groups on each side of an industry together in a conference, persuaded them to adopt a resolution in favour of a Whitley Council and then arranged for each side to meet to decide the constitution, representation, and other practical details. This work was highly successful, though the depression of 1921 revealed weaknesses in many of the Councils. The Ministry, while continuing its encouragement of this movement has, together with employers and the unions, been more cautious in subsequent years in advocating the establishment of Whitley Councils in trades where conditions are not favourable to their growth and ultimate stability. In 1923 a comprehensive *Report on the Establishment and Progress of Joint Industrial Councils* was published by the Ministry. This supplemented the previous report issued by it in 1918 on *Works Committees*.

The aim of the Whitley Committee was to strengthen the self-governing machinery in industry generally, and it was only in case that machinery failed to act smoothly that disputes were to

[1] Cmd. 9153, 1918.

be referred to a standing tribunal or industrial court. It was recommended that this court should only judge disputes with the consent of both parties and that its decisions should have no legal sanction. These recommendations were embodied by the Minister in the Industrial Court Act, 1918, an Act setting up a standing tribunal to which industrial disputes might be brought for impartial arbitration and empowering the Ministry to set up Courts of Inquiry to make direct investigation of and report upon industrial disputes or problems likely to give rise to disputes. The Ministry did not accept the suggestions to set up Trade Boards combined with Joint Industrial Councils for the Unorganized Trades. They felt that there was an inherent contradiction between the statutory enforcement of wage rates and conditions and the free discussion of all matters affecting the trade arrived at through the voluntary organizations. They did, however, by the Trade Boards Act, 1918, which enabled a trade board to be set up in any trade "having regard to the rates of wages prevailing in that trade" and the absence of adequate machinery for the effective regulation of wages throughout that trade, considerably extend the power given by the 1909 Trade Boards Act. Previously "sweating" was the test.

It may be said that the Whitley Committee illustrates in a most striking way the value to Government of a report made by a group of representative outside persons directly connected with industry. They were appointed at a time of serious industrial unrest and of general uncertainty about the stability of industrial self-government. By far-sightedness the Committee were able to capitalize the good will and practical good sense of employers and workpeople alike and establish closer co-operation between them. The Ministry officials could never have performed this task, though they could use the material thus supplied to them. The secret of this success lies to some extent in the chance given to the Whitley Committee to focus the idealism of the immediate post-War years, but must be attributed largely to the fact that they were a representative committee of the interests involved and recommended not greater Government control, resented during the War years, but an immense strengthening of self-governing institutions within industry.

The Cave Committee

The story of the Cave Committee on Trade Boards is somewhat different. Appointed in September 1921 it reported in April 1922.[1] Its terms of reference were: "To inquire into the working and effects of the Trade Boards Acts and to report what changes, if any, are required."

The immediate occasion of its appointment was a threefold crisis caused first by administrative friction between the Trade Boards themselves and the Ministry; second, by the clamour of employers, who found during the depressions that they could not adjust wages as easily as when no organization existed; and thirdly, by the workpeople who demanded, not a weakening of minimum wage machinery, but an increase in its protective effect. To overcome the first difficulty, which in essence was the bureaucratic encroachment of the Ministry on the rudimentary industrial democracy of the Trade Boards, an *ad hoc* advisory committee was set up consisting of representatives of the Ministry of Labour, nominated representatives from the Boards, and workers and employers sitting upon the Boards. The Committee gave an opportunity for all the administrative difficulties to be fully ventilated and for adjustments to be made in the light of these discussions. The independence of the Boards, keenly prized by their representatives, could thus be asserted and the committee proved the value of orderly and formal procedure in overcoming misunderstandings. The outside political pressure stimulated by the employers for a review of the Trade Board system in the meantime became so great that the Cave Committee was appointed with the terms of reference quoted above.[2]

The evidence brought before it proved that criticisms were far less numerous and substantial than the Government had been led to believe. The Report therefore advocated the retention of the

[1] Cmd. 1645.

[2] Its membership consisted of:—Viscount Cave, Lord Chancellor, Chairman; Lord Weir, Managing Director, G. & J. Weir Ltd.; Dame Adelaide Anderson, formerly Chief Woman Inspector of Factories; Dame Edith Lyttelton, social writer; Mr. J. Bell, Secretary, Oldham Weavers Association; Mr. W. T. Layton, Editor of the *Economist*; Sir Arthur Pease, formerly Second Civil Lord of the Admiralty; Mr. E. L. Poulton, Chairman of Parliamentary Committee of the T.U.C.; Mr. A. Pugh, Secretary, Iron and Steel Trades Federation; Mr. A. McCallum Scott, M.P.

Trade Board system with certain modifications in legislation and in administration. The personnel of the Committee, chosen not unintentionally for that reason, was conservative in outlook and their recommendations taken together would have limited the powers of the Trade Boards and restricted the principle of industrial self-government which had developed within the individual trade boards. The Government in July 1922, i.e. three months after the issue of the Report, published a White Paper[1] to render effective the Committee's recommendations as far as could be done through administrative action. To carry out their further recommendations a Bill consolidating the Acts of 1909 and 1918 was introduced in the House by the Government in May 1923, but economic depression was by that time less severe and criticism of the Trade Boards much modified. The Bill consequently was not proceeded with, while the policy of the White Paper has only been partially carried out.

The Cave Committee, though its recommendations had little lasting influence, can be considered to have performed a useful function. In the first place it provided a disinterested and, because relatively conservative, an acceptable tribunal to which the pent-up grievances of the employers, of those operating the Trade Boards and the workers could be brought. Secondly, it was able to put that criticism in focus and to disprove much of it, an important service from the Ministry's point of view. Thirdly it proved a means of gaining time, which in fact was the chief means of overcoming the crisis which economic depression had imposed. The Ministry was consequently not forced to take immediate action when the complaints became general, and after the Committee had reported, circumstances had changed sufficiently for "token action" to prove adequate. Employers, frightened by the seriousness of trade depression, had taken a short-term view of the value of the Trade Board machinery, and were able because that machinery was relatively new and imperfectly understood to urge a public review. The Cave Committee showed the limitations of this point of view, and subsequent experience has proved the long-term benefits of the Trade Boards. Thus, with only some changes in departmental methods in dealing with the

[1] Cmd. 1712.

Boards, they have functioned smoothly and no major difficulties have since arisen.

The Amulree Committee

The third departmental Committee appointed by the Ministry to consider policy was the Holidays with Pay Committee set up in March 1937 under the Chairmanship of Lord Amulree "to investigate the extent to which holidays with pay are given to employed workpeople and the possibility of extending the provision of such holidays by statutory enactment or otherwise "[1] The appointment of this Committee was due to a general pressure of public opinion that holidays with pay should become a general part of the contract of employment for all classes of workers. The International Labour Office had in the years preceding the appointment of the Committee passed many resolutions in favour of a general granting of paid holidays and many countries in Europe and outside it had passed legislation making holidays compulsory. This general world interest was not without its influence, and the public felt that a social advance in Great Britain was challenged by the examples abroad. Several Private Members' Bills had been introduced in the House of Commons and had secured wide support from all parties, and latterly the sympathy of the Ministry of Labour, expressed through its Parliamentary Secretary. The Trade Union Congress in 1937 had passed a resolution in favour of immediate action and many employers had instituted schemes and shown holidays with pay

[1] Its membership consisted of: Lord Amulree, P.C., formerly President of the Industrial Court, Chairman; Mr. Ernest Bevin, General Secretary, Transport and General Workers Union; Capt. George Deakin; Mr. Charles Dukes, General Secretary, National Union of General and Municipal Workers; Mr. H. H. Elvin, General Secretary, National Union of Clerks; Lady Findlay, political and social organizer; Mr. J. Hallsworth, General Secretary, National Union Distributive and Allied Workers; Mr. George Hicks, General Secretary, Amalgamated Union of Building Trades Workers; Mr. A. Lyndon Lawrence; Miss Anne Loughlin, Tailors and Garment Workers Union; Mr. R. Montgomery, Recorder of Chester; Sir David Owen, Past-President of British Employers Confederation; Sir Frederick Richmond, Chairman, Debenhams Ltd.; Sir David Ross, Provost of Oriel College, Oxford; Mr. M. Wiggins, President, Federation of Master Cotton Spinners Association; Sir Evan Williams, President, Mining Association of Great Britain; Mr. H. M. Phillips, Ministry of Labour, Secretary.

to be practicable and beneficial. As in other instances where public interest is actively aroused the Government took steps to explore fully and publicly the many complexities of the subject, and the Amulree Committee was set up. There was a desire, moreover, on the part both of workers and employers to move together in the matter, despite wide differences of opinion on what was practicable. The Committee produced in April 1938 a unanimous report.[1] The recommendations advocated first the desirability of every worker being entitled to a paid holiday. This should if possible come through collective bargaining, the Ministry merely noting the agreement. The Ministry should administer financial arrangements for holiday schemes for trades where employment is intermittent, and should empower Trade Boards and Agricultural Wages Committees to provide holidays with pay. Secondly, if holidays had not generally been granted in a reasonable time through collective bargaining they should be enforced by legislation introduced in the Session 1940–41, i.e. some three years after the publication of the Committee's Report.

The Ministry took immediate action on the Report and introduced legislation to empower Trade Boards and other statutory minimum wage boards to introduce holidays, and to empower the Ministry to administer financial arrangements for holiday schemes for workers in casual or intermittent employment (Holidays with Pay Act, 1938). They further published an account of existing holiday agreements, which had proved suitable in different industries, in order to help employers and unions to draw up voluntary agreements. The widespread taking of paid holidays would raise many problems of a social nature (problems of transport, of cost of available accommodation, of spreadover to prevent congestion, of holiday savings), and the Ministry asked a voluntary society, the Industrial Welfare Society, to set up a representative committee to explore these questions. The Minister of Labour gave the committee his official blessing, and referred to its work when questioned in the House. Close co-operation with the Ministry was established by this committee and an observer from the Ministry attends its meetings. Thus the

[1] Cmd. 5724.

Ministry made every attempt, before imposing any general legislation, to get the interests involved to work out their own solution of holiday problems, first by giving every help to employers and workers alike to agree to collective schemes, and secondly by enabling the other interests involved to work out solutions of the social problems involved. The outbreak of War has held up further developments.

It may be considered that the collection of information and the framing of recommendations by the Amulree Committee could equally well have been made by the Ministry itself. There was ample existing experience of holiday practice; there appeared to be sufficient backing in Parliament for legislative or other action. Therefore why appoint a committee? The answer possibly is to be found in two main factors. First the pressure of enlightened public opinion demanded that some action should be taken and the Ministry wished industry, especially on the employers' side in depressed industries, to have time to catch up to this public opinion. In keeping with tradition it wished industry itself to grant holidays as a preferable course to legislation. A committee gave that necessary factor of time and performed the important function of education. Delay was important too in preventing an unworkable Act finding its way to the Statute Book. Secondly, in a matter as controversial as holidays (and since they are an innovation and add to direct wage costs in industry they are controversial), the Ministry did not wish to act against the opinion of many employers. A representative committee in this sense was a buffer giving subsequent action greater sanction than action initiated without a committee's recommendations could achieve. The psychological importance of a Report signed by many representative employers and well-known trade unionists and important persons should not be underestimated. Agreement involved sacrifices on both sides, but that it was obtained should be counted as a major triumph of the committee's method of discussion. It must be remembered that the policy of the Ministry in matters of industrial relations is largely to maintain a watching brief, and energetic action on holidays would have run counter to that tradition. In justification of the Ministry's action it may be said that by voluntary agreement and otherwise some twelve

million workers are now entitled to holidays with pay (1940). When the committee was first appointed (1938) this number was some $7\frac{3}{4}$ million. Moreover, the gain in goodwill has been considerable, and thus has further strengthened sound relationship in those industries where agreements have been made.

Interdepartmental Committee on Road Transport

One interdepartmental committee has been appointed in concert with the Ministry of Transport by the Ministry of Labour. This is the Baillie Committee on the Regulation of Wages and Conditions of the Road Haulage Industry. It was appointed in July 1936 and reported in April 1937.[1] The Committee was set up on representations from the National Joint Conciliation Boards of the Road Transport Industry, who found great difficulty in enforcing agreements and felt that legislation alone could secure uniform conditions within each district. The nature of the employment naturally made voluntary enforcement of rates and hours particularly difficult. The Committee recommended a central wage board with local boards corresponding to the Traffic Areas. The Ministry should have power to publish Orders enforcing standard wages and conditions as agreed by the Board. The recommendations were accepted and the Road Haulage Wages Bill introduced and passed in 1938.

This Committee is interesting because it was used as a convenient means of working out a solution to difficulties which had long troubled the Government. The issue was not political nor was the public deeply interested. The Committee was small, three in all, more like a Committee of Inquiry than a Departmental Committee. The members, including the Chairman, Sir James Baillie, were experts on industrial questions, viz. Sir Gerald Bellhouse, late Chief Inspector of Factories, and Mr. (now Sir) John Forster, Deputy Chairman of the Industrial Court. It was therefore a committee that could work quickly and had the single aim in view, of finding a solution which fitted the facts of the case. The Joint Conciliation Boards had asked for a Committee and the Ministry acceded and undoubtedly the collection of evidence under the expert guidance of the

[1] Cmd. 5440.

Committee members was done as well as could have been achieved by the Ministry officials. Again it might be said that greater authority, in this case with Parliament rather than the industry involved, was given by the Committee to the subsequent action taken than might have been secured by a direct Ministry Bill.

Fair Wages Clause

A Departmental Committee representative of employers and trade unions, under the chairmanship of Mr. W. D. Ross (now Sir David Ross) was set up in 1937 to consider the "working of the fair wages clause in Government contracts." The Committee was set up primarily to meet the desire of the unions for the fair wages clause to be strengthened in favour of national agreements. The clause had been drafted in 1909 and despite the existence of a Standing Advisory Committee (mainly representative of the main contracting Government departments), review by an independent committee seemed desirable. It was decided after thorough discussion and the sifting of much evidence by the Committee to refer the question of drafting to the Trades Union General Council and to the British Employers Confederation. It accordingly suspended sittings and at the date of writing these have not been resumed.

Balfour Committee

Mention must be made of the Committee on Industry and Trade under the chairmanship of Sir Arthur Balfour. Its terms of reference included industrial relations and an important report was issued by the Committee on this subject in 1926. In the main this was a fact-finding survey, as were the other reports issued by the Committee. No definite Government action was taken as a result of the Committee's findings, its value lying in the detailed exposition of the industrial situation and the influence of that clear statement of fact upon interested groups in industry.

General Observations on Committees on Policy

Almost invariably the Departmental Committees have consisted of equal representation of trade union leaders and leading em-

ployers, with a few neutral persons, including the Chairman, to hold the balance and one or two women members. Thus the Amulree Committee had six employers, seven trade unionists, two women (including one trade unionist) and three neutral persons (including one woman). All members serve as individuals, not as direct representatives of special interests. The Baillie Committee on Road Transport, as noted, provides an exception to this rule and most successful it was. How far the principle could be applied of having a small committee composed entirely of expert neutral persons, in place of a large representative committee, must depend on the nature of the problem under discussion. There is very considerable value in associating industrial leaders from both sides with a committee's work, as a means of securing the results of practical experience and understanding of the problems involved. The mere fact of bringing the two sides together for prolonged discussion leads, moreover, to a clearer understanding of the matter at issue and an appreciation of personalities by the advocates of differing policies. Such meetings and discussions, like those which take place at the International Labour Office Conferences, are of undoubted value in cementing good relationship and facilitating later negotiations. On the Amulree Holidays with Pay Committee, for example, during an interval in taking evidence, some of the Trade Union members assumed the rôle of employers and cross-questioned their normal opponents with zest and obvious enjoyment. The employers gave effective trade union arguments in return. This friendly spirit is characteristic of most committees. It is significant of the desire of both sides to meet the views of their opposite numbers that minority reports have not found a place in any of the reports discussed above.

In taking evidence, procedure is similar to that followed by other Government Departments. The sessions of the committee when taking oral evidence are public, though the public and the Press attend but rarely. The advantage of the public session, and more important the publication of oral and written evidence, lies in giving the public confidence in a committee as an impartial and wholly open body. Naturally some of the most important evidence is given informally to the committee or more often to

its secretary or chairman by Ministry officials and by important persons outside the Government. Such evidence is not published but may have some bearings on a committee's final recommendations. There are clearly many points which cannot be publicly stated by important interests and the confidential statements, analogous to certain of the work done in the Parliamentary lobbies, have their value. The composition of the committees and their tradition for impartiality would seem to ensure that such private approach to a committee is not abused.

It has been the Ministry's practice to circulate the Reports widely to the interests affected, in some cases such as the *Whitley Report*, accompanied by a letter urging action. Press publicity is not difficult in view of the general interest in labour questions, while the limited number of associations of workpeople and employers makes it relatively easy to send them reports.

The total number of committees, as noted, is small. Some legislation, notably the Trades Union and Trades Disputes Act, 1927, has been passed without formal inquiry by a representative committee. The Trade Union General Council felt that a Royal Commission should have preceded the limitations imposed by the Trades Union Act on their activity, but the Conservative Government then in power could not agree to that course. The Trades Union Act provides a negative limitation on strike action and unlike other problems of industrial relationship demands no new machinery to make it effective. The principle that every change in policy should be preceded by a committee is not one to which the Ministry of Labour could subscribe. It has ample means of knowing the views of the representative groups with whom it deals and if direct action appears equally likely to be effective and acceptable such action is taken.

Advisory Committees

The need for advisory committees on questions bearing on industrial relations is slight, for the Ministry can so easily draw on expert and representative opinion, that their purpose would be obscure. The British Employers' Confederation and the Trades Union General Council have themselves a number of advisory committees, e.g. the Trades Union Trade Boards Advisory

Council, Committee on Apprenticeship, etc., to whom reference may be made. In addition, the principle of industrial self-government accepted by the Ministry compels it to consult the opinion of the interests directly concerned in any trade, when changes in policy are projected through their established organizations, rather than set up additional special bodies. Nevertheless at times of special stress advisory committees may be useful, and thus the National Industrial Council called together in February 1919 to suggest adjustments to peace-time conditions, was able to make a number of concrete suggestions, including the desirability of the prolongation of the Wages (Temporary) Regulations Act, 1918. This Act was, therefore, kept in force until November 1919. It is well to emphasize the vitally important task which the National Industrial Council was able to perform in bringing about adjustment in industry after demobilization, though the suggestion that it should become a standing Council was not carried forward. The *ad hoc* advisory committee on Trade Boards appointed in 1921, as noted, had only a short life and it was felt better subsequently to get officials to deal directly with the different Trade Boards. The standing advisory committee on the Fair Wages Clause has, however, had a long life partly because difficulties often arise which demand adjustment, partly because it is largely composed of officials from various departments.

The Ministry has developed the policy, however, of promoting the formation of independent outside groups to formulate policies on special questions. If they fail the Ministry may then consider, on their advice, taking action itself, by setting up a Wages Board or otherwise. This was the policy, as already stated, followed in the establishment of Whitley Councils. Latterly it has been followed with great energy in many unorganized trades. Thus when serious disputes arose in the theatrical industry the Ministry suggested the formation of representative machinery which could lay down standards for the industry as a whole. The London Theatres Council was formed, as a result, as a standing joint council under the chairmanship of Lord Esher and has been able to settle many difficulties without any direct Ministry action. The Ministry similarly convened in 1937 a conference representative of the different sections of the Retail Distributive Trades

to discuss the establishment of effective wage regulation in that industry. The problem was first to get orderly discussion of the very complicated problems involved and secondly to get responsible representatives of employers and unions to become conscious of the need of doing something themselves on a national basis. This was achieved by a series of conference discussions and though no final decisions have yet been reached interest has been aroused in the whole industry and positive action in some parts of the trade has already been taken. Other examples could be given illustrating this type of procedure. They are detailed in the Ministry's Annual Reports.

The Ministry emphasizes the importance of outside persons themselves becoming the responsible parties while its own powers are reserved for extremely difficult cases demanding a Trade Board or other statutory wage machinery. The example of the committee on Workers' Holidays set up by the Industrial Welfare Society has already been mentioned. In that case an advisory committee has been established which, without the Ministry, would not have come into being, and which yet operates independently of it. The Joint Advisory Council of Employers and Workers set up in October 1939, to advise the Government on questions relating to labour in war-time is, perhaps, the outstanding example of this special technique, of allowing independent, representative groups to act as the channels for advice on questions of current policy. Thus meetings of this Council are attended by representatives of the Ministry, but its status is that of a self-governing group responsible to the Trades Union Congress and the British Employers' Confederation.

In the nature of things the Ministry, however, relies mainly on informal advice of representative employers, workers and others and its officials, therefore, are in constant contact with such individuals, so that extremely close and friendly relationship exists. It is thus that the advice of the Ministry is sought when difficulties appear and on many occasions both sides ask the Ministry, without recourse to the more formal methods of arbitration or the Industrial Court, to settle the issues between them. It is impossible to record this work in detail, but undoubtedly it represents a significant part of the Ministry's task and one

where the help of persons outside the machinery of government is of especial value. It is thus, too, that the Ministry can secure the support of important employers or unionists in an industry when it wishes to see some strengthening of negotiating machinery and the establishment of representative groups in unorganized industries. In presenting the national view on Resolutions of the International Labour Office such co-operation has also been exceedingly well developed.

Use of Outside Persons for Administration

The preceding pages have outlined certain of the ways in which the Ministry of Labour has made use of the experience of individuals and groups, outside the Government, in advising it on policy. Independent persons have also been used extensively by the Ministry in administration. The first important group relates to Trade Boards. It must be emphasized that a Trade Board once set up operates independently of the Ministry, the latter having power only to confirm or to reject its decisions. By statute a Trade Board consists of equal numbers of employers' and workers' representatives, together with three or more independent persons one of whom shall act as chairman, all nominated by the Minister of Labour. In practice the industrial representatives are usually elected by the interests concerned, while the independent members are nominated by the Ministry. They may serve on up to six Trade Boards. Thus we find in 1937 that 57 independent persons filled 141 seats on Trade Boards, 17 of these being women. These independent members are precluded from being drawn from the ranks of employers or industrial workers and an analysis of their normal occupations is interesting.

The table opposite suggests that academic occupations are found to provide valuable independent members, while next in numerical importance comes the legal profession. Fees are paid to these members for attendance at Trade Board meetings and Trade Board district committees.

The function of the independent members may be summarized briefly as that of holding the balance between the two sides of the Trade Board and promoting agreement and goodwill as far as may be. In practice they refrain from voting unless deadlock

ANALYSIS OF OCCUPATIONS OF APPOINTED MEMBERS ON TRADE BOARDS

Occupation	Number on December 31, 1931			Number on December 31, 1934			Number on July 31, 1937		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
Members of the legal profession	13	1	14	13	1	14	12	1	13
University professors and lecturers	14	1	15	14	1	15	16	1	17
Social workers	—	13	13	—	11	11	—	10	10
Ex-civil servants	6	4	10	9	3	12	6	3	9
Ex-municipal servants	2	—	2	1	—	1	1	—	1
Accountants and actuaries	2	—	2	1	—	1	1	—	1
Ex-politicians	1	—	1	—	—	—	—	—	—
Members of the medical profession	1	—	1	—	—	—	—	—	—
Independent	7	—	7	3	2	5	4	2	6
Total	46	19	65	41	18	59	40	17	57

is reached, and avoid appearing in any way to impose a settlement. The Ministry of Labour provides an official secretary to each Board, though he takes no part in the actual negotiations apart from recording proceedings. The independent members, however, are of great importance since in fact they can force acceptance of a given resolution, and their independent standing and personal qualities give their views and suggestions particular weight. They are usually able to make friends with both sides and are respected as entirely disinterested. Since they are not civil servants they enable the Board to assume an independent status which is in harmony with the tradition of collective bargaining in industry as a whole.

The same principle of appointed independent persons has been applied by the Ministry to several other forms of wage machinery. Thus under the Cotton Manufacturing Industry (Temporary Provisions) Act, 1934, the Chairman and two other members not connected with the industry are appointed to the Wage Board. The Central Wages Board under the Road Haulage Wages Act, 1938, must similarly contain five independent members, one of whom is named by the Minister as Chairman and another as Deputy Chairman. The main decisions on wages are taken by the Area Boards established under the Act. The Central Board meets *ad hoc*, and is empowered to make arrangements for settling disputes, for promoting voluntary organizations between employers and workpeople and for recommending to Government Departments measures regarding safety on the roads and the conditions of workers, besides determining wage rates for those operating under A or B Licences.

Judicial Work Undertaken by Outside Persons

Under the Industrial Court Act, 1919, the Ministry is empowered to set up Courts of Inquiry to investigate and report upon differences between workers and employers in any industry. This is in addition to the powers exercised by the Industrial Court itself. Under the Conciliation Act, 1896, the Minister has powers to appoint single arbitrators or boards of arbitrators to determine settlement of a dispute. There is thus available to industry a number of channels through which disputes may be sub-

mitted for outside consideration on application to the Ministry. It must be emphasized that the decisions of none of these different bodies when delivered have statutory force, nor in the main is there obligation to submit disputes upon failure to reach agreement between the parties themselves. The Industrial Court will only accept cases submitted with the consent of both parties after all other methods of settlement have been attempted, though in a few trades where statutory regulation of wages is in force, e.g. Road Transport, Sugar Industry, Air Navigation, the Court may be required to decide whether the Fair Wages Clause is being observed and disputes must be submitted to it.

The Ministry in carrying out these quasi-judicial functions has largely done so through outside persons, appointed to one of the types of tribunal outlined above. The conciliation officials of the Ministry itself are able in most instances to effect settlement of disputes without such outside help, but in many cases circumstances compel them to act as the intermediaries between the parties at dispute and the type of tribunal to which these parties decide to refer their differences.

The main labour tribunal is the Industrial Court, which by Statute "consists of persons to be appointed by the Minister of Labour, of whom some shall be independent persons, some shall be persons representing employers, some representing workmen, and in addition one or more women." In 1939, Sir Harold Morris, K.C., was President of the Court; Mr. L. M. Jopling and Sir John Forster, Chairmen of the Court; Mr. E. J. Brown, Mr. J. McKie Bryce, Mr. F. S. Button, Mr. D. C. Cummings, Sir J. Duncan Elliot, Miss Violet Markham, and Miss Cecile Matheson were the members. In addition, the Court has an official secretary and staff clerk. The President is a lawyer of distinction but is paid an annual salary for his work on the Court: the Chairman and some of the members are paid fees for the days they serve on the Court, while three of the members are full time and paid annual salaries. Two of these represent workers and one the employers. It will thus be seen that the membership of the Industrial Court comes somewhere between the full-time civil service and the independent *ad hoc* committee. It secures the support of independent men and women for the judgment

of cases, and yet has the stability and permanence which attaches to full-time appointment. If we are to judge by results, such a compromise is acceptable to those who use the Court, for in only four of the nearly two thousand cases submitted voluntarily to it has the decision of the Court not been accepted and strike or lockout resulted. Its sessions are not public though its judgments are printed and an annual account of its work is also published.

The *ad hoc* single arbitrators or boards of arbitrators are appointed at the request of both the unions and employers if they wish arbitration of a dispute. It is naturally important for the success of arbitration that the name of the arbitrator shall be acceptable to both parties, and a panel of suitable persons is kept by the Minister for this purpose. The arbitrators are paid fees and are empowered to appoint technical assessors from each side to help them reach a decision.

The Courts of Inquiry may be appointed by the Ministry to investigate the circumstances and causes of a dispute and though it is customary to secure agreement by the interests involved to such a course, that is not obligatory. Their reports are always published and presented to Parliament. They are empowered to take evidence on oath. Their appointment allows impartial and full inquiry into all the questions which bear on a particular industrial conflict, and through the taking of evidence secures the classification of the views of those concerned. The publication of their reports educates the general public. Moreover, their reports, based entirely on the facts of the case, may have an important influence on showing the basis for settlement. It is the assumption of the Ministry that if facts can be agreed by both sides, then negotiation and settlement are relatively easy. All the arbitration machinery rests on this assumption, and the Courts of Inquiry by going more deeply into all factors bearing on a conflict are a most valuable means of dispelling prejudice and misunderstanding. The Courts of Inquiry are small, usually three persons. In 1924 Lord Buckmaster presided over a number of these Courts; Lord Macmillan was Chairman of an important inquiry into labour conditions in the woollen industry in 1929, but despite this inquiry a strike resulted. Such a Court inquired into

the causes of the London bus strike in 1937 and a further Joint Conference was convened to investigate the alleged prevalence of gastric and nervous disorders amongst bus drivers and conductors. It reported in 1938

The following table gives figures of the manner in which the

NUMBER OF DISPUTES TO WHICH DIFFERENT METHODS WERE APPLIED UNDER THE CONCILIATION ACT AND THE INDUSTRIAL COURTS ACT DURING THE YEARS 1920 TO 1936

Year	Arbitration Settlements			Conciliation Settlements	Courts of Inquiry
	By the Industrial Court	By Single Arbitrators	By *ad hoc* Boards of Arbitration		
1920	540	73	15	286	3
1921	122	19	7	123	1
1922	37	9	8	48	1
1923	113	14	6	33	1
1924	143	7	12	83	7
1925	165	8	8	73	3
1926	104	5	4	24	—
1927	82	6	1	14	—
1928	52	10	5	42	—
1929	39	14	3	38	—
1930	43	6	3	31	1
1931	35	7	6	48	—
1932	28	3	1	45	—
1933	26	3	1	22	—
1934	30	6	4	29	—
1935	29	10	—	41	1
1936	35	9	1	45	—
Totals	1,623	209	85	1,025	18

powers given to the Ministry to intervene in disputes have been used. It should be noted, however, that the figure relating to settlements by conciliation officers of the Ministry is an understatement of the real position, since in fact many more disputes have been settled in this way than the Ministry makes public.

The greater number of disputes, it will be seen, was settled

directly by the Ministry of Labour Conciliation officials, and as indicated the figure given understates that fact. In many of the more serious disputes, however, a strike would certainly result unless opportunity existed to secure independent third party judgment. It has been found by the Industrial Court that a very large number of the disputes simply disappear once they have been stated. Employers and workers are forced to be absolutely clear in their statements before the Court, which they are not when wrangling amongst themselves, and hence suspicion rather than the actual facts of the case prevents settlement without third-party intervention. This simple psychological fact illustrates the special value of having independent persons to help in the settlement of disputes and the figures printed above show how well their services have been used by the Ministry for such work.

Summary and Conclusions

The bare outline given in this chapter of the use which the Ministry of Labour makes of outside persons suggests certain conclusions. The Ministry, unlike a number of other departments, has been anxious throughout its existence to increase the responsibility of outside groups for the formulation and enforcement of industrial agreements rather than to extend its own power. The history of industrial relations since 1919 has thus shown a steady growth in the authority of trade unions and employers organizations in industrial matters till with the outbreak of War they are asked to act as the channel of advice on labour problems. The contrast with the War of 1914–18 is significant, for then the Government assumed an extensive control over wages, conditions and other matters which are left twenty-five years later to be worked out on a voluntary basis. The policy of the Ministry is described by Mr. F. W. Leggett, Chief Adviser on Industrial Relations to the Minister of Labour, as follows: "We have been engaged in creating as far as we are able a nation of self-governing individuals, and we are prepared to wait for the results of this experiment, because we believe that in the end the results will be far more stable and lasting than if we attempt merely to get a system under which people are

compelled to do what the minority think to be right. Throughout industry we have joint machinery, though this is not yet complete—for many do not yet see the need for co-operation to secure minimum national standards—but we have advanced so far that we are able to leave that joint machinery to operate during the War as it did before without any added laws for the further regulation of industrial conditions." In achieving this result the association of outside persons with the machinery of Government has undoubtedly been of the greatest value. It has enabled those individuals and groups who are interested in a given problem themselves to work out the solution which seems desirable rather than accept a ready-made solution from the Ministry officials. From the point of view of knowledge there is nothing to prevent the Ministry from formulating such a solution, but from the point of view of developing the spirit of independence to which Mr. Leggett referred the value of the outside committee is at once apparent. In matters, too, where the Ministry does establish official machinery, as in Trade Boards, in the cotton industry and in road transport, the technique of the Ministry again is to get the interests themselves as far as possible to settle conditions. The work of these various types of Wages Board is carried on by employers' and workers' representatives, the independent members intervening only where absolutely necessary, and the Ministry merely confirming or rejecting the decisions made. The fact that the independent members are not officials undoubtedly adds to the feeling of independence which these Boards have developed. Again, in the judicial work of giving awards in trade disputes, it is independent outside persons who are chosen and not Ministry officials, a factor which adds to the authority of such judgments. The elasticity in method used is significant, and each case is assessed on its merits and the appropriate machinery then invoked.

Possibly the most interesting development has been the success of the Ministry in getting badly organized industries to establish stronger machinery and thus work out conditions themselves rather than yield to the pressure of a few employers' and workers' representatives to set up a Trade Board. As has been noted, such groups operate independently of the Ministry but owe their

inception to its suggestion and their initial success largely to the work of Ministry officials behind the scenes. It is known, however, that it is the Ministry's policy to give these new unions and employers' groups complete freedom of action once they are firmly established. The threat of possible legislative action if success does not attend their efforts is a weapon consciously used to spur on independent activity, though statutory power is actually used only when every other effort to get effective independent machinery established has failed.

At a time when Government Departments have in manifold ways encroached on the ordinary activities of the private citizen, it is encouraging to find a Department which so far from limiting the work of outside groups does everything possible to strengthen them and resists temptation to add to its own powers. Bureaucracy triumphant cannot be applied in any sense to the Industrial Relations Department of the Ministry of Labour.

THE USE OF ADVISORY BODIES BY THE UNEMPLOYMENT ASSISTANCE BOARD[1]

by A. L. FLEET

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I. INTRODUCTION

The use of advisory bodies by the Unemployment Assistance Board is not only in certain respects unique, but also differs in general from the use of such bodies by other departments of the Central Government.

For whereas most departments employ a varying but considerable number of advisory bodies at the centre in Whitehall, very few make so much use of them on the circumference in the

[1] Since the outbreak of war, with the assignment to the Board of new duties relating to the dependants of men on service with the armed forces, and also the old age pensioners, its title has been shortened and is now "The Assistance Board."

localities. The only other advisory bodies which may be said to hold a similar position to those of the Unemployment Assistance Board are the Local Employment and the Juvenile Advisory Committees attached to the Ministry of Labour; but their position is due in the last analysis to the application of the same administrative principle as is adopted in the case of the Unemployment Assistance Board. In the vast majority of cases advisory bodies to the Government departments are advisory to the headquarters staff in London.

The Unemployment Assistance Board, on the other hand, which adopts the principle of the decentralization of its authority in the hands of its own local officials and not that of its devolution to local self-governing authorities,[1] uses almost no advisory bodies at the centre but a very large number throughout the country in the localities. At the centre there is only the rather informal body known as a Consultative Committee of Local Authority Officers, with no fixed representation and meeting only "as occasion requires"[2]; whilst on the circumference there are no less than one hundred and twenty-six Local Advisory Committees attached to the Board's administrative districts.[3]

II. THE UNEMPLOYMENT ASSISTANCE BOARD

The Unemployment Assistance Board was established under Part Two of the Unemployment Act, 1934.[4]

For some years the vast majority of Local Authorities had been repeatedly urging that the Central Government should take over full administrative, as well as financial, responsibility for the maintenance of all the able-bodied unemployed.[5] To a large

[1] For the difference, see T. S. Simey, *Principles of Social Administration*, 1937, p. 16; and for its effect on the use of advisory committees, *ibid*, pp. 83–84.

[2] See the *Annual Report of the Unemployment Assistance Board* for 1937, Cmd. 5752, p. 8.

[3] See the *Annual Report of the Unemployment Assistance Board* for 1936, Cmd. 5526, p. 32.

The Committees are Local, but their advice is tendered not to any local subordinate authority, but to the Board.

[4] 24 and 25, Geo. V, ch. 29. Section 57 provides that Part II shall be cited as "The Unemployment Assistance Act, 1934."

[5] Cf. the resolution of the County Councils Association (dated January 11, 1933). Cf. also the resolution of the National Public Assistance Conference,

extent the Unemployment Assistance Act gave effect to this principle, and the Board to be set up under the Act was charged with the duty of creating a new social service for the assistance of able-bodied unemployed persons, who normally are wage-earners but who are not entitled to unemployment insurance benefit, "not only for the relief of their material needs but also for the promotion of their welfare."[1] In the words of the Act itself the functions of the Board were defined as:

> The assistance of persons to whom this Part of this Act applies, who are in need of work, and the promotion of their welfare, and, in particular, the making of provision for the improvement and re-establishment of the condition of such persons with a view to their being in all respects fit for entry into, or return to, regular employment, and the grant and issue to such persons of unemployment allowances.[2]

To make more precise what was understood by the phrase "able-bodied unemployed" the scheme was deemed to apply to:

> All persons between the ages of 16 and 65 whose normal occupation is employment in respect of which contributions are payable under the Widows', Orphans' and Old Age Contributory Pensions Acts, or who can show that, not having had any remunerative occupation since attaining the age of 16 years, they might have such insurable occupation but for the industrial circumstances of the district in which they reside, and who are capable of, and available for, work.[3]

That is to say, the scheme covers all persons normally engaged in an occupation and earning less than £5 a week[4], with the exception of those who obtain their livelihood by working on their own account, such as small independent tradesmen, owner taxi-cab drivers, street hawkers, and similar workers not employed under a contract of service. Such persons, if in need, must have recourse to the Public Assistance Committee of a Local Authority which, under the provisions of Section 36 (3), may appeal as an

1933 (quoted in T. S. Simey, *op. cit.*, p. 58) and the *Report of the Unemployment Assistance Board* for 1935, Cmd. 5177, pp. 7, 11 and 13. For a different point of view, see T. S. Simey, *op. cit.*, pp. 59–61, and R. C. Davison in *The Nineteenth Century*, 1935, p. 438.

[1] *The Annual Report of the Unemployment Assistance Board* for 1935, Cmd. 5177, p. 6.

[2] Section 35 (2) of the *Unemployment Act*, 1934; 24 and 25 Geo. V., ch. 29.

[3] *Ibid.*, paraphrase of Section 36 (1).

[4] Legislative changes later than 1939 are disregarded.

interested party to the Chairman of the local Appeal Tribunal against any decision of the Board placing a person outside the scope of the Act.

Now one of the chief motives for setting up this central administration for relieving the needs of the able-bodied unemployed was to distinguish between those unemployed for industrial reasons and those unemployed or in need on account of sickness or some such other misfortune. Thus Sir Henry Betterton (afterwards Lord Rushcliffe and Chairman of the Unemployment Assistance Board), in introducing the Bill in the House of Commons, said that one of its main principles was "that the State should accept general responsibility for all the industrial able-bodied unemployed outside insurance. . . ."[1] The aim, therefore, has been to group applicants for assistance under one central department "in a way which preserves their industrial status as potential units of the labour market."[2] For this reason every applicant for assistance has to register at an Employment Exchange to prove his unemployment, and normally draws his weekly allowances at the same office, just as if he were receiving unemployment benefit. But the Unemployment Assistance Board, which was charged with the central and local administration of the new allowances, is not directly under the supervision of the Minister of Labour, nor is it represented by a Minister of its own in the House of Commons. The Board in fact is a semi-independent corporation. With a personnel of six[3] appointed by the Government, it was authorized to manage its own affairs, and to appoint its own central and local staff of close on six thousand officials. The standard of assistance is embodied in Regulations, which require the approval of Parliament, but executive authority for their administration lies with the Board alone. With the Board also is placed the responsibility for initiating any proposals for new or amended Regulations, as occasion may require.

There is here undoubtedly a partial separation of the executive from the legislative arm, but it is surely misleading to say that

[1] *Hansard*, vol. 283, p. 1087.

[2] Percy Cohen, *Unemployment Insurance and Assistance in Britain*, 1938, p. 15.

[3] Since May 1937 only five. Their salaries are charged on the Consolidated Fund and not on Votes of Parliament.

the Act was an attempt to take unemployment assistance wholly "out of politics," both local and national. Any social service for which Parliament has to vote money, and which affects so closely the lives of so many people, must always form a living issue of politics. But it was thought that the ordinary administration of such a service should be free from the somewhat irrelevant intervention of daily political pressure.[1] It should be remembered, however, that the Minister of Labour is still ultimately responsible for the Board's Regulations and general policy. He cannot, in practice, avoid answering questions in the House upon any broad aspect of the Board's administration.

The focal point of criticism in this connection has been the fact that an individual assessment of allowance by an officer of the Board cannot be called in question either in Parliament or in the Council of a Local Authority.[2] It is possible to argue, however, that the amount of an individual payment should not be a matter within the direct influence of an elected representative. There is then no room for possible political corruption; and it would seem that it was this side of the administration of assistance to the long-term unemployed which the Government wished, by the setting up of a semi-independent corporation, "to take out of politics."

It is interesting, in this connection, to recall that, during the committee stage of the Bill, there was a Labour amendment to substitute the word "administrative" for "advisory" in Section 35 (3),[3] which deals with the Local Advisory Committees. Mr. R. S. Hudson, in replying for the Government, said that the amendment could not be accepted on the ground that the proposed setting up of Appeal Tribunals met the need for the possibility of an appeal from a decision of a civil servant.[4] In other words, the Government did realize that public opinion

[1] The Minister of Labour rejected the suggestion that the administration of unemployment assistance should be transferred to his department on the ground that this "would mean transferring the whole question of discretionary payments into politics in its most acute form." *H. of C. Debates*, vol. 283, col. 93.

[2] For a full exposition of the orthodox view on this question, see T. S. Simey, *op. cit.*, pp. 66–68, 77–80 and 159–62.

[3] See below, p. 315.

[4] An Appeal Tribunal consists of an independent Chairman, who is appointed by the Minister of Labour; a representative of work-people appointed by the Board out of a panel prepared by the Minister of Labour; and a person of public standing, not an official, appointed by the Board.

would not tolerate, and rightly so, an unfettered exercise by officials of such wide powers affecting so deeply the lives of many people, but thought that the difficulty was adequately met by the provision in the Bill for the final decision of an individual case to rest, not with the officials of the Board, but with the local Appeal Tribunal. It will be seen later how in fact the Advisory Committees can, and in certain cases do, provide an additional check on the use of discretion by an official. Indirect supervision of the discretionary power of the local official by a nominated, if representative, Advisory Committee, and the possibility of an ultimate appeal by a dissatisfied applicant to an Appeal Tribunal may well be a better safeguard of "impartial justice"[1] than reliance on the usual system, under which patronage for political purposes is possible.[2]

It may be said, indeed, that it is not this aspect of the Unemployment Assistance Board that deserves so much criticism as the fact that, as one writer has put it, the Board "was not properly geared either to the national unemployment insurance scheme or to the local assistance services, and it tended to compete with both."[3] Its relationship in particular with the remaining local poverty and health services gives rise to inevitable social and financial anomalies, which render effective co-ordination of the relief of need exceedingly difficult.[4]

[1] See the speech of Mr. James Reid in *H. of C. Debates*, vol. 286, col. 78.

[2] Cf. The Report of the *Holman Gregory Commission on Unemployment Insurance*, 1932, Cmd. 4185, pp. 135–6.

[3] R. C. Davison, *British Unemployment Policy*, p. 86.

[4] See Professor A. M Carr Saunders, *The Journal of Public Administration*, vol. xiv, No. 3, July 1936, p. 246 Cf also his article in *The Political Quarterly*, vol. vii, No. 4, 1936, in which he deals with the same problem at greater length.

The chief written sources, in addition to those already quoted, are as follows:

R C. Davison: *The Political Quarterly*, vol. v, No. 3, 1934. *The Journal of Public Administration*, vol. xii, No. 3, 1934, pp. 301–2. *British Unemployment Policy*, pp. 82–88.

T. S. Simey: *Principles of Social Administration*, pp. 97–98, 161 and 163–65. *The Municipal Review*, 1936, pp. 313–14.

Cf. also Dr. L. Richter, *The Journal of Public Administration*, vol. xii, No. 3, 1934, pp. 316–19, for the administrative problem of unemployment relief as seen in Germany.

Unemployment Assistance in Liverpool, a report on co-operation between the Unemployment Assistance Board, the Local Authority and Voluntary Associations in Liverpool, published in 1938 by the University Press of Liverpool.

It should be noticed that, as the previous control of unemployment assistance by local government authorities, under the Transitional Payments scheme, had now been removed from them, there was no obvious connection or means of co-operation between the work of relief in future to be done by the Board and the functions, such as the relief of medical needs, which were still to remain within the control of local authorities.[1] It was very largely to provide the Board with local and specialized knowledge of this type that the Local Advisory Committees were to be formed. Where the relief of needs is to be dealt with by more than one authority, it is essential that the supply of the various treatments should be co-ordinated. Thus Section 35 (3) of the Act laid it down that

> For the purpose of securing the advice and assistance of persons having local knowledge and experience in matters affecting the functions of the Board . . . the Board shall arrange for the establishment of advisory committees throughout Great Britain to act for such areas as the Board thinks fit . . .

It should not be thought, however, that there was any realization in 1934, either of the precise functions which it would be appropriate for these committees to fulfil, or of their essential importance as the means of securing protection and popular goodwill for the Board's administration in the localities. As evidence of the former assertion, attention may be drawn to the vague references made to the committees by the Minister of Labour in his speeches on the subject in the House of Commons; and of the latter, to the fact that none of the committees had been formed prior to the First Appointed Day (January 7, 1935), on which the Regulations were to come into force—a fact to which may be attributed much of the reason for the breakdown which resulted in the Standstill Agreement of the following February. Both these points are important and require further consideration.

There was nothing in the Bill before Parliament in 1934 which determined the precise functions of these Advisory Committees, but in his chief reference to them Sir Henry Betterton said that their general functions would include advice on the appropriate

[1] See Section 38 (4) of the *Unemployment Assistance Act*, 1934.

local differentiation of scales between urban and rural areas, and on certain local factors such as the influence of rent on need. In addition they would provide a link between State assistance and local assistance, including voluntary organizations. "They will be useful," he said, "in securing co-ordination between a number of other services in the area, such as child welfare, work in connection with tuberculosis, the blind, hospital assistance, and so on. In addition to these general services the committees will have certain special services to perform, including the giving of advice to the local officers of the Board in difficult individual cases." And again, in concluding his remarks, "My object is to put at the disposal of the Board the experience of the many thousands of people who can help the Board in its work."[1] All this was of course vague and imprecise—a fact which the Labour opposition to the Bill was not slow to exploit—but it is fair to say that, although the Act specifically prohibits the Board from dealing with certain aspects of need more appropriate to one of the specialized services,[2] such as the Health or Education service, it was clear to the Government that simple cash relief would not in all cases meet need, and that, in the administration of a service dealing with poverty, numerous cases would arise in which contact with other social services, both statutory and voluntary, would be required, so as to bring to bear upon the case all the help that the social services could provide. It was to ensure this contact that the Act made the appointment of such committees a statutory duty of the Board; and it was this function of the committees which the Government at that time thought most important.

Stress has been laid on this attitude toward the Committees in order to show that it was not until some time after the breakdown of the first Regulations and until the Board began resolutely to face the problem of retrieving the situation, that the Government fully realized how vital to the Board were the local committees for the particular purpose of securing public confidence in its work. But the lesson had been learnt, if belatedly. It was decided that the service might be made to wear a more "democratic" aspect if the Advisory Committees were brought directly into some responsibility for the revised Regulations, and therefore,

[1] See *H. of C. Debates*, vol. 286, pp. 69–71.

[2] See Section 53.

when they were being drawn up, the Board incorporated in them certain specific functions for the committees. What those functions were may best be understood by some reference to the Government's explanatory memorandum on the subject.

The draft Regulations reproduce the existing wide and general powers for the exercise of discretion to vary the normal allowance according to the special circumstances of the case, and to provide for cases of exceptional need. In addition they reproduce a specific exercise of discretion in regard to the adjustment of the allowances for rent, for applicants living in rural areas, and for the liquidation of Standstill allowances.

In exercising their discretion on these matters the Board propose, as the draft indicates, to seek the advice and assistance of the Local Advisory Committees whose appointment, under sub-section (3) of section thirty-five of the Act, is now almost completed. Although the questions affecting rent, the adjustment of allowances in rural areas and the progressive adjustment of Standstill allowances, are the only matters in the Regulations upon which the advice of the Committees is specifically sought, the Board expect to receive advice and assistance from the Committees over a wider field. While the decision upon an application for an allowance must, by the terms of the Act, remain with the Board, or, on appeal, with the Appeal Tribunals, it is open to Committees to offer such advice as they consider proper in regard to the local administration of the Regulations in their application to any special conditions peculiar to the locality. Further, they will be available to the Board's local officers when advice is required on cases that present special problems arising, for instance, out of unsatisfactory household conditions, or out of the necessity for considering assistance apart from the grant of an allowance in terms of money. The functions of the Board include the promotion of the welfare of persons qualified for assistance, and in addition to the cases requiring some form of training or physical rehabilitation there are cases calling for supplementary help which local health and welfare services administered by local authorities and voluntary organizations are in a position to provide. It is anticipated that the Advisory Committees will play an important part in providing for the development of a close co-operation between the Board's service and other local services, both public and voluntary. . . . The Board propose . . . to convene regional conferences of Chairmen of Advisory Committees to consider any matters which should be examined on a wider basis than that of the local committees.[1]

The first thing to notice from this account is that in any treatment of the functions of the Local Advisory Committees it is

[1] From the *Explanatory Memorandum on the Draft Unemployment Assistance Regulations*, 1936, Cmd. 5229, Section 1, paragraphs 3 and 4.

important that a broad distinction should be made between, on the one hand, the three specific duties, as regards which the officers of the Board were expressly required to consult the recommendations of the Committees (i.e. as regards the adjustment of allowances on account of rent, the adjustment of allowances in rural areas, and the progressive adjustment of Standstill allowances) and, on the other hand, their remaining less definite, but in the long run more important, functions; to help the Board on the Welfare side of its work in general and to assist with the cases of "special difficulty."[1] This distinction will be observed in the more detailed study of the various functions of the Committees which follows.

The second point of importance is the emphasis laid both in this memorandum and elsewhere on the fact that with the Board alone, subject to the provisions for appeal, remains the decision for the appropriate application of a general recommendation to an individual case.

Lastly, in the absence of any formal connection with local government authorities, the Board is in truth almost wholly dependent upon the support and protection of the Local Advisory Committees for gaining the goodwill and appreciation of public opinion in the localities. It would not be an exaggeration to say that responsibility for the breakdown in February 1935 may be apportioned equally between the inelasticity of the Regulations and the fact that no attempt had been made by the setting up of the Advisory Committees to educate local public opinion in the realities of the Board's task and in the problem which they were trying to solve.

As we have seen, this position was remedied when the revised Regulations were brought into force, and it was then made possible for the Board's administrative proposals "to bear the impress of external opinion." As Professor Laski has written, "every State passes a multitude of Statutes upon which local comment and suggestion would be invaluable at the centres of their application."[2] The advantage to be gained from acting in

[1] See Section 40 of the Act.

[2] *The Grammar of Politics*, 1926, p. 383. See also pp. 383–85 for an exposition of the advantage to a government department of the use of local advisory committees where the necessity arises to adapt a service to suit the peculiar circumstances of a locality.

accordance with this truism the Board have never attempted to conceal. Indeed, the comparative success which has marked the administration of the Board since 1936, though partly due to a number of causes which it would be inappropriate to discuss in this context, has in fact done much to justify the assertion that by the use of such advisory committees "the feeling of mistrust which the British public entertain towards all State officials" can be "largely overcome."[1]

But, so far, the matter has been looked at exclusively from one point of view. There is also the other side of the question. Have the public gained as well? It might well sound invidious merely to say that the bringing of the Local Advisory Committees into close connection with certain important aspects of the revised Regulations was an act of self-defence by the Board and an example of the administrative rule, "always broaden the base of an unpopular responsibility," if there were not more to it than that. In reality, such a step was eminently desirable from the public's point of view as well.

For, to quote what Mr. C. W. G. Eady (now Sir W. Eady), the first Secretary of the Unemployment Assistance Board, had once written of the Local Employment Committees, it is "a perfectly sound instinct that centralized administration is always in danger of becoming abstract . . . and that where there is a local organization, some defined association with the locality gives the service the life that keeps it sweet."[2]

Lord Rushcliffe, also, is dealing with a similar conception when he writes that "the Board have set out with the intention of combining the benefits of a centralized administration through a Government Department with the local knowledge and personal touch that local people can bring to bear upon the service. It is, as the Board conceive it, a real partnership of interest."[3] A partnership of interest it should be; that is the important point. For though it may be quite true, on the one hand, that the Committees play an important part in what Mr. T. S. Simey would call the Board's "mechanism of persuasion," surely there can be

[1] Sir Andrew Ogilvie, quoted by Professor Laski, *op. cit.*, p. 377.
[2] *The Journal of Public Administration*, vol. III, No. 4, 1925, p. 376.
[3] The *Annual Report of the Unemployment Assistance Board* for 1936, Cmd. 5526, p. 3.

no objection to their also being used "as a means of keeping touch with local opinion."[1] It is indeed of the highest importance that they should be so used, not so much to afford protection to the Board, as to secure positive benefits for the public.

III. THE LOCAL ADVISORY COMMITTEES

Constitution

No account of the constitution of the Local Advisory Committees will be sufficiently clear without a short preliminary outline of the scheme of organization of the Board itself. It is described in considerable detail in the first two Annual Reports issued by the Board for the years 1935 and 1936.[2] The following is an extract from the second:

> The day-to-day work of the Board is administered in the main from Area Offices distributed throughout England, Scotland and Wales. For the purpose of control and co-ordination the Area Offices are grouped under Districts, and the Districts under Regions, the whole organization being directed from a small Headquarters in London.
>
> The periodic visiting of applicants in their homes is conducted from the Area Offices, which are also responsible in the first instance for deciding all questions relating to eligibility for allowances, for assessing need and for issuing the consequent determinations. For administrative convenience, particularly in certain larger Areas, it has been found necessary to maintain subsidiary offices, known as Outstations, at convenient centres within the Areas, the Area Office and the Outstation working together as one unit.[3]

The function of the District Office is to supervise and inspect the work of a group of Area Offices, to conduct important negotiations with Local Authorities and other local organizations with which the Board has contact, and to develop the Board's duties in connection with training.

The Regions have no offices, but seven Regional Officers act as effective connecting links between Headquarters and the Districts to ensure, by personal contact with both, that the policy of the Board is correctly interpreted and applied by the

[1] T. S. Simey, *op. cit.*, p. 88.
[2] Cmd. 5177 and Cmd. 5526 respectively
[3] Cmd. 5526, p. 7.

executive staff in the Regions for which they are responsible. And lastly, to quote again from the same Report:

> The staff at Headquarters are concerned, under the direction of the Board, with the formation of policy and with general administrative control. These functions include the framing of regulations and instructions, the oversight of arrangements for training recruitment and welfare, financial and accounting arrangements, methods of work and procedure, provision of the necessary staff and accommodation, and the preparation of statistics.[1]

The personnel of the Board itself consisted of five[2] members appointed by the Government with Lord Rushcliffe as Chairman. At the end of 1938 there were 27 District Offices, 244 Area Offices, and 47 Outstations.

For the setting up of the Local Advisory Committees themselves it was decided by the Board that:

> The committee areas could most conveniently be arranged to coincide with their existing local administrative Areas, or with groups of such Areas which were sufficiently homogeneous to be dealt with by a single committee.[3]

On this principle 126 committees were formed, and the number of committees in each District varies from three to seven.

As regards the membership of a committee it was thought desirable that the number should not normally exceed twenty, though the size of any particular committee was to be determined by the nature and circumstances of the area assigned to it.

> To secure the systematic assistance in each committee area of a group of persons possessing a wide range of experience in social and industrial matters, the Board considered that each committee should comprise members with experience in the local administration of public health and public assistance, members with experience of industrial conditions from the workpeople's and the employers' points of view respectively, members actively engaged in social service in the area, and members with knowledge of the other special requirements and conditions of the locality.[4]

To assist the Board in making suitable appointments on these admirable lines County Councils and County Borough Councils

[1] Cmd. 5526, p. 8.
[2] Originally six.
[3] Cmd. 5526, p. 32.
[4] *Ibid.*, p. 32.

were invited to nominate persons with experience in Public Assistance and Public Health administration; and the Local Employment Committees of the Ministry of Labour to nominate persons who would represent the points of view of employers and workpeople.[1] 644 nominations were received from the 201 Local Authorities invited to help in this way; and 508 persons—254 representing employers and 254 workpeople—were appointed as a result of nominations made by the 335 Local Employment Committees grouped in accordance with the 126 Advisory Committee areas. All appointments from these nominations were made by the Board, as were also those of the Chairmen of the committees and all the remaining members, comprising those actively engaged in voluntary social service in the areas, and others with knowledge of the special requirements of the localities. It will be noticed that while there are 126 Local Advisory Committees with an average membership of twenty each, under half of the total membership is represented by those nominated by the Local Authorities or by the Local Employment Committees. The actual appointments were made by the Board, though very great reliance was put upon the recommendations in this respect of the District Officers, to whom were assigned additional duties in connection with the setting up of the Advisory Committees and all the arrangements incidental to the conduct of their business.[2]

An attempt was made to see that there were a certain number of women on each committee, and also that the political complexion of the committees should be truly representative of all points of view. As regards the latter, a particular problem which faced the Board was to obtain a certain number of members who owed allegiance, though not necessarily active allegiance, to the Labour party, in order to counterbalance the predominantly Conservative outlook of the majority of those nominated. Part of the problem was due to the difficulty in finding such persons who could spare sufficient time to devote to the work, and part to their great reluctance to join the committees, and so give indirect support to the Board's administration, owing to the official Labour party's opposition to any form of Means Test.

[1] See Cmd. 5526, p. 160, paragraph 9, of a *Memorandum to Advisory Committees—A. C. G. 1*, reproduced as Appendix VII. [2] *Ibid.*, p. 8.

This may well have been one of the main reasons why it was found impossible by the Board to appoint the Local Advisory Committees before the introduction of the first Regulations early in 1935.

On the whole, however, although it is true that considerable difficulty was experienced in some of the depressed areas, more especially in South Wales, the system of nomination was satisfactory.

But with regard to the nomination system it is important to stress that:

> It was made clear from the outset that the persons recommended for appointment were to be appointed in their individual capacity and selected according to the type of experience which they could bring to bear upon the work of the committee, and not as representatives of the bodies which recommended them for appointment.
>
> The Board have from time to time received requests from national and local organizations, asking to be invited to nominate persons to represent the particular interests of the bodies concerned The Board have felt unable to accede to these requests.[1]

There can be no hesitation in agreeing that in this respect the Board were entirely in the right. The numbers in a committee would have become very unwieldy had every organization in a locality which could claim to be connected with unemployment questions, whatever its status, been granted a right to direct representation. But apart from this there is a further and more important consideration which is expressed by the Board when they say that:

> They are satisfied that the value of the advice they have already received from the committees is attributable largely to the fact that the members have discussed the several problems on which their advice has been sought in a spirit which would have been lacking had individual members felt that it was their duty as representatives to stress particular interests.[2]

Advice tendered by the members of the committees could neither be so impartial nor so freely expressive of personal opinion, were members the mere mouthpieces of the particular interests which nominated them. Particularly would this be so in the case

[1] Cmd. 5526., p. 33.

[2] *Ibid.*, p. 33.

of the representatives nominated by the local authorities. It is worth noting that these representatives are often, though not necessarily, members of a local Council.

The names of Sir Reginald Kennedy-Cox,[1] Sir George Schuster, Dr. J. J. Mallon (Warden of Toynbee Hall), in the London Region, of Lord Merthyr in Wales, of Mr. R. A. Pilkington in the St. Helens Area, and of the Earl of Airlie in Scotland, indicate the calibre of the men selected to act as Chairmen. So much depends in the work of these Advisory Committees upon the enthusiasm and ability of the Chairmen that their success may very largely be attributed to the happy choices made by the Board and to the fact that such suitable persons were prepared to give both their support and time to help the Board in its administration.

As regards the value of the Advisory Committees as a whole, two extracts from the reports of Regional Officers in 1936 may be quoted as typical of the general experience in this respect. The first, which comes from London and the Home Counties, states that:

> In constituting fifteen Advisory Committees in this Region the most clearly defined impression gained was the keenness of the men and women appointed, most of whom were already engaged in important public and social work. The value of the specialized knowledge which many of the members of these committees possess has been made fully available to all members and has proved to be a great asset.[2]

The second declares that:

> The experience already gained of the work performed by the committees has shown that they are so constituted as to enable their advice to carry real weight.[3]

In addition to the main committees the Board also appointed from the nominations of the Local Employment Committees panels of persons drawn from all the important areas of population in each committee area who would be available to serve with members of the main committee on any sub-committees which it might be thought advisable to set up. As a rule such panel members attend only meetings of sub-committees. The work of such sub-committees is primarily to give advice and to

[1] Retired in 1938. [2] Cmd. 5526, p. 69. [3] *Ibid.*, p. 76

render personal service—sometimes through individual members —in the cases of "special difficulty" with which the officers of the Board so frequently have to deal.[1] But with the development of the co-operation of the Advisory Committees in the Board's welfare work the majority of committees decided to set up standing sub-committees, either on a functional basis or else on a geographical basis to deal with all matters referred in specified parts of a committee area.[2] It will be seen in later sections which aspects of Welfare work can be dealt with more appropriately by sub-committees than by the full committees.

Meetings of the full committees take place usually once every three months, whereas sub-committees are convened by the local officers of the Board whenever their advice or assistance is required. The number of sub-committee meetings varies very greatly according to the extent of long-term unemployment in the Area to which they are attached, but is in all cases considerable. In the early days of their appointment, when the Advisory Committees were dealing with their specific duties under the Regulations, meetings of the full committees were much more frequent, but that is no longer found necessary. Nevertheless, at the meetings of the full committees reports are received from the various sub-committees to make clear what they have been doing and to consider important matters of principle.

A development which should be encouraged is the holding, at regular or irregular intervals, of Regional conferences in the shape of joint meetings of several Advisory Committees on the Welfare side of the Board's administration. There is already a certain amount of personal contact between individual chairmen of committees, which can be extremely useful, whereas contact by Headquarters with Advisory Committees is maintained largely through the District Offices, although on occasions Lord Rushcliffe or one of the other members of the Board has taken the opportunity, when visiting a particular district, of discussing various problems with the committees direct. Such informal meetings can be of great benefit both to the Board and to the committees.

[1] See Cmd. 5526, p. 160, paragraph 10; and below, p. 338.
[2] See Cmd. 5752, pp. 52–53; cf. also pp. 113–14 and 125–26.

Officers of the Board, both Area and District, are entitled to be present at all meetings of the committees and they act as assessors. One of the two Assistant District Officers is the Secretary of all the Advisory Committees within the District.[1]

Statutory Functions after 1936

The following is an extract from a Memorandum issued by the Minister of Labour when the Draft Unemployment Assistance Regulations were laid before Parliament for approval in 1936:

> Under the draft Regulations the Local Advisory Committees which are being set up in accordance with the Act of 1934 will be very closely associated with the administration of the Regulations in each area. The advice of the Committees is, in particular, to be obtained in regard to three matters of the first importance. These are:—
>
> (*a*) The treatment of rent;
> (*b*) The adjustment of allowances in rural areas;
> (*c*) The transitional arrangements.
>
> It is confidently anticipated that, with the advice and assistance which the Local Advisory Committees can give, the administration of the Regulations will be undertaken with full knowledge of local facts and in the light of informed local opinion.[2]

It is proposed in this section to deal quite briefly with each of these matters in turn. Except to specialists a detailed account of the solution of the problems involved is not of permanent value. Their interest for the present study is chiefly as illustrations of technique in the use of advice.

Adjustment of Allowances for Rent

That special adjustment of assistance allowances is required in accordance with the amount of rent which an applicant has to pay becomes self-evident when it is realized that the variation in working-class rents is greater than that shown by any other single item in a household budget. Charges for rent show a variation not only as between different areas but also between households of the same size and composition in the same area.[3]

[1] See Cmd. 5526, p. 7.
[2] Cmd. 5228, paragraph 17.
[3] See *Memorandum to Advisory Committees—A. C. G. 3*, paragraph 3; reproduced in Appendix VIII of the *Annual Report of the Unemployment Assistance Board* for 1936, Cmd. 5526, p. 161.

Under the earlier Regulations of 1934 adjustments on account of rent were largely automatic and on a uniform basis throughout the country. The general rule was that an allowance should be reduced or increased according as the rent to be paid was less or more than one-quarter of the total of the scale-rates of the applicant's household.[1] Where it was less, there was a mitigation up to 1s. 6d. of any reduction in cases where there were special circumstances, but otherwise reductions or additions were for the full amount of the difference. The drawback to this arrangement was its very uniformity. Rents show such unsatisfactory variations that serious anomalies were bound to arise. Indeed one of the main reasons for the breakdown of the Regulations was the unfair working of this rent rule in practice, especially in exceptionally low-rented areas.[2] And so one of the outstanding changes in the revised Regulations of 1936 was that "the old rent formula was abolished and a simplified rent rule of a flexible character substituted for it in which special provision was introduced for adjusting it, in the light of local opinion, to the circumstances of the different areas."[3] The same basic standard of one-quarter of the total of the scale rates for a household was maintained, but so far as the actual rent to be paid by an applicant differs from that standard, adjustment of the allowance was to be left to the decision of an officer of the Board after he had consulted recommendations to be made by the Local Advisory Committee. Thus, if an applicant's scale rates under the Regulations are 28s. and he pays 7s. rent, no question of adjusting this sum on account of rent arises. But if his rent payment is more or less than 7s., his allowance will be adjusted by the officer of the Board in the light of the Advisory Committee's recommendations.[4] All recommendations by the Advisory Committees were to be general in character and, as a consequence, the application of a general recommendation to an individual case and the exercise of discretion on all the facts of the case were to be solely

[1] See Cmd. 5526, p. 35.

[2] See speeches in the House of Commons on January 29, 1935, and March 31, 1936, by the Minister of Labour.

[3] Percy Cohen, *Unemployment Insurance and Assistance in Britain*, p. 71.

[4] See the First Schedule, paragraph 1(2) (*a*), of the *Regulations*, reproduced in Appendix 1 of Cmd. 5526, p. 138.

matters for the Board's officer, subject to the usual powers of appeal.[1]

But in addition to that, whilst professing that the recommendations were in principle in no way limited, the Board suggested what recommendations they would in fact be prepared to regard as reasonable. Particularly was this so in the case of determining whether and, if so, what reductions should be made where "low" rental payments were in question.[2] It should not be thought, however, that this rendered the whole reference to Advisory Committees a mockery. It is true that the advice offered was in this way restricted, but not within unreasonable or undesirable limits. All recommendations made within these limits were in fact accepted by the Board, except in a very few instances where committees were asked to reconsider their proposals. Moreover, as regards cases where the rent was "high," it was left open to Advisory Committees to recommend whatever increases on account of rent were thought by them desirable, without any suggestions as to what would be regarded as reasonable.[3]

In considering the proposals which they should make it was fully realized by members of the Advisory Committees that it was undesirable merely to disregard differences from the "standard" rate, whether above or below; for where two applicants in the same locality and in the same circumstances are paying rents which differ considerably in amount, a sense of grievance is very liable to be created, if allowances designed to meet need are the same in both cases. At the same time there were good reasons why the full amount of any difference should not automatically in all cases be added or deducted regardless of certain circumstances.[4]

The committees, in general, tackled the problem of "high" rents first, as it was considered, though equally important, easier to deal with than that of "low" rents. It had been pointed out that, outside London and the larger cities together with seaside holiday resorts, applicants who are paying high rents form a compara-

[1] See Cmd. 5526, p. 35.

[2] See paragraph 1(2) (*b*) of the First Schedule; and cf. paragraph 16 of the *Explanatory Memorandum on the Draft Regulations*, Cmd. 5229.

[3] *Ibid.*, paragraph 17.

[4] Cmd. 5526, p. 93.

tively small class frequently centralized in a particular locality or housing estate, and that therefore such cases could be more easily isolated than cases of "low" rent.[1] In Areas where exceptional difficulties were likely to arise owing to the prevalence of abnormally high rents,[2] a number of the committees set up special sub-committees which officers of the Board might consult, if they desired, on specially difficult cases. Such sub-committees have given much valuable help in this connection.

The problem of what adjustment in allowances should be made for "low" rents was found to be far more complicated. Since standards of housing accommodation vary so much from area to area, anything like uniformity throughout the country in the adjustment for "low" rents was not to be expected, if fairness of treatment was to be the criterion. It was the very uniformity in this respect which had proved so disastrous to the first Regulations. Various considerations had to be taken into account which would appear to lead to mutually conflicting conclusions.[3] The result was, of course, considerable difference of treatment in different localities, but it was clear from the Regulations themselves that local variations in the treatment of rent were inevitable, and in most cases the recommendations of the committees were accepted by the Board without alteration.

In conclusion, it would appear that the committees undertook this—the most important of their duties under the revised Regulations—with great diligence and success. A close study was made of comprehensive statistics of the rents paid by applicants in their areas, and a measure of the success of their recommendations, when applied to individual cases, may be judged by the fact that the rules adopted by the Board are still in operation and that very few appeals have been made. The Board, for their part, have every reason to be thankful for the co-operation in this

[1] See Cmd. 5526, p. 162, paragraph 9 of *A. C. G. 3*. For an account of the general form of recommendation adopted, see *ibid.*, p. 37: for a full list of the individual proposals made by each committee in the country, see *ibid.*, Appendix IX, pp 166–78

[2] See Cmd. 5752, p. 11. Cf. Cmd. 5526, p 68, and Cmd. 6021, pp. 9 and 76–8, for the special problem of high rents in London.

[3] See, e.g., Cmd. 5526, pp. 37–8, and Cmd. 5752, p. 10. For the ways in which recommendations were expressed by the Advisory Committees, see Cmd. 5526, Appendix IX, p. 166.

work of independent persons with local knowledge and experience. The task of reconciling public opinion in the localities to their administrative proposals was thereby considerably lightened.

Adjustment of Allowances in Rural Areas

The need for such adjustment arises from the different standards of life in rural as compared with urban areas. The Board's scale of assistance allowances is naturally framed to provide for the needs of the majority of applicants. These are industrial workers living in urban areas. But, at the same time, there are considerable numbers of able-bodied unemployed persons now within the scope of the Board's administration, who are resident in rural areas.

In order that all classes of the unemployed might receive equality of treatment in practice, it was provided in the revised Regulations that, if an applicant resides in a locality which is "predominantly rural in character," his allowance should be adjusted by the officer of the Board in the light of the recommendations made by the Advisory Committees.[1] The Board circulated a Memorandum to Advisory Committees which set out their responsibilities in this respect.[2] As in the case of rent, the recommendations were to be general in character; the application of them to an individual case remaining the responsibility of the officers of the Board.

It was found in practice, however, very difficult for committees to make any broad recommendations which could be applied automatically. Some committees were so impressed by the difficulties that they left the whole question, both as regards the selection of cases for differentiation and the determination of the amount of adjustment, to be settled on the facts of each individual case at the discretion of the Board's officer. This was particularly so in the case of committees covering areas of a mixed urban and rural character such as those on the outer fringes of Greater London, and in parts of the Midlands and of Lancashire. Other committees contented themselves with merely indicating those parts of their area which they regarded as "predominantly rural,"

[1] See Regulation IV, paragraph 1, (2) (6), reproduced in Cmd. 5526, p. 137.
[2] *A. C. G. 5*, reproduced in *ibid.*, as Appendix XII, pp. 189-90.

leaving the actual adjustments to be decided on the merits of the cases as they arose. Yet other committees, however, did recommend specific rules for specific types of case. The Board's Report for 1937 gives some account of what the proposed rules in these areas were.[1]

Since the nature of the problem made it difficult for the Advisory Committees to make anything like comprehensive recommendations, the influence of informed local opinion, as expressed through them, is less strong in this, than in other, branches of the Board's work.

Transition from the Standstill

The original Regulations of the Board came into force on the First Appointed Day, January 7, 1935. The immediate result was serious dissatisfaction in those parts of the country where assessment of need on the basis of the standards approved by Parliament resulted in reductions in allowances far more numerous and extensive than had been anticipated. The dissatisfaction was particularly apparent in the industrial areas of Scotland and Wales, and indeed in all districts in which the standard of assistance of the Local Authorities under the Transitional Payments scheme had been comparatively high. No provision had been made in the Regulations for applying the reductions in stages where such reductions were considerable.

A serious political crisis threatened, which the Government could not afford to ignore, although the attitude of the Board was that the public outcry had been excessive and that, if the Government only stood firm, the dissatisfaction would not be prolonged. The Government, however, satisfied themselves that they must act and, to cover an interim period during which the Regulations would become the subject of further investigation and, if necessary, revision by the Board, Parliament was asked to pass the Unemployment Assistance (Temporary Provisions) Act, generally known as the "Standstill" Act. Under this Act, passed on February 15, 1935, it was laid down that an applicant should

[1] See Cmd. 5752, pp. 11–13. Cf. *ibid.*, pp. 112–13, p. 147 and p. 156, for particular proposals in the South-west England, the North-west England and the Welsh Region respectively.

be paid either an allowance assessed under the current Regulations or such allowance as he would have received if the Local Authority had continued to assess his need for transitional payments, whichever was the higher. As a result the Board were in fact administering two standards,—the one laid down in the Regulations of 1934, the other based on the practices followed by some two hundred Public Assistance Authorities in assessing need for transitional payments in the area in which the applicant was living. This meant inevitably that any inequalities resulting from the different standards of assistance adopted by Local Authorities, to avoid which had been one of the Government's main reasons for setting up the central administration of the Board,[1] were now to a considerable degree continued. It was therefore incumbent upon the Board to formulate new Regulations as soon as was reasonably possible.

The revised Regulations did not in fact come into force until November 16, 1936; but their reception, when they did come, was far more favourable. Not only did they contain in themselves substantial changes in favour of applicants as compared with the former Regulations, but certain external circumstances had also altered. The Labour Party opposition to the principle of a Means Test had by this time largely subsided, and, in addition, the number of the unemployed had considerably fallen during the twenty-one months interval. Both these factors, combined with the changes in favour of applicants, tended to make the acceptance of the revised Regulations by public opinion less difficult of attainment.

In about one-third of the total cases application of these Regulations resulted in the payment of increased allowances.[2] These increases were distributed over all areas of the country and took effect during November and December 1936. The number of those whose allowances remained equal to the amounts payable under the Standstill was about 210,000.

[1] See, in this connection, Lord Rushcliffe's comments in the *Report of the Unemployment Assistance Board* for 1935, Cmd. 5177, pp. 7 and 13. Cf. the *Report of the Holman Gregory Commission on Unemployment Insurance*, 1932, Cmd. 4185, p. 63, paragraph 102.

[2] See *A. C. G. 7*, paragraph 3; reproduced as Appendix II in Cmd. 5752, p. 180.

There still remained, however, an appreciable number of cases, mainly in households having substantial resources, in which assessment of need under the revised Regulations would, in the absence of special provision, have reduced allowances after November 16th to an amount less than was payable under the provisions of the "Standstill" Act. The number of such cases was found ultimately to be upwards of 100,000,[1] and the amount of difference in payments was in some instances very considerable. It was the intention, however, that where reductions were necessary they should be made gradually, in order to avoid hardship. In this way the Board hoped to avoid the criticism which had been levelled against the earlier Regulations in this respect. The Second Proviso to Regulation IV accordingly gave the Board special temporary powers to deal with this situation in association with the Advisory Committees.[2] As in the treatment of rent and rural areas, their recommendations were to be general in character, and their application to individual cases was to rest with the Board's officers, or, on appeal, with the Appeal Tribunals. The scope and purpose of the recommendations was to assist the Board in the gradual transition from the Standstill to the standard of the Regulations by indicating the methods and stages by which this transition was to be carried out.[3]

It would be irrelevant to discuss here the various considerations which the Advisory Committees had to face, and the recommendations which they actually made. A full account of these considerations and of the complications which they involved may be found in the two Memoranda on this subject, which the Board issued to the Advisory Committees.[4]

In the first of these Memoranda, *A. C. G. 4*,[5] it should particularly be noted that, in order to deal with a limited range of cases,

[1] See Cmd. 5752, p. 14. There remained in fact some 170,000 applicants with Standstill additions. In view, however, of the pledges given in the White Paper on the revised Regulations (Cmd. 5229, paragraph 55) no reductions were to be made in the case of applicants over 55 years of age living in lodgings, who had no resources.

[2] Reproduced in Cmd. 5526, p. 137.

[3] *Ibid.*, p. 40.

[4] A summary of the contents of these memoranda may be found in P. Cohen, *Unemployment Insurance and Assistance in Britain*, pp. 158–63.

[5] Issued during October 1936: reproduced as Appendix XI in Cmd. 5526, pp. 181–89.

which it was thought required immediate treatment in view of payments under the Standstill seriously excessive judged by the standards approved by Parliament, the Board themselves put forward proposals to the Committees.[1]

These proposals, made on a basis uniform throughout the country, were considered by committees during November 1936, and were adopted by them generally as a basis for recommendations, which were in their turn duly accepted by the Board and put into operation in January 1937. In this instance, at least, the use made by the Board of the Advisory Committees can be regarded as little more than the means of obtaining the stamp of outside public approval for their own administrative proposals. But these recommendations applied to certain limited classes of applicants only, chiefly those who were themselves earning by casual or short-time work substantially more in a week than the amount of their need as assessed under the new Regulations; or those who were living in households with substantial resources of which more than half were derived from earnings.[2]

Immediate treatment was required to prevent excessive payments in cases where earnings in relation to needs were very substantial and hardship, relatively speaking, was slight; but it should be emphasized that the recommendations by no means dealt with the complete liquidation of "Standstill" payments. They only placed an upper limit on amounts payable in excess of "standard" allowances where "Standstill" payments had been very substantially more than assessment in accordance with the Regulations. The problem of their progressive reduction from this figure still remained.

For a few months no further approach to the Committees was made by the Board on the general question of liquidating the Standstill. By April 1937, however, a complete statistical analysis of the number of applicants, whose allowances contained additions under the Standstill, had been obtained in each Committee area, and a further Memorandum was issued to the Committees on the subject. The analysis had revealed that over wide areas of the country there were relatively few cases calling for adjustment.

[1] See Cmd. 5526. p. 183, paragraph 12.
[2] *Ibid.*, pp. 184–88, paragraphs 13–28.

In some areas the number of cases was considerable, but the amounts of adjustment to be made in each case were comparatively small: whereas, in others, not only was the number of cases considerable but the amounts calling for adjustment were relatively large. In view of this it became clear that no such general recommendations as had been proposed in the earlier Memorandum would be appropriate for dealing with the remaining situation. A uniform approach to the problem was impossible.

The Board therefore suggested in the second Memorandum, *A. C. G. 7*,[1] that each Committee should study its own local problem and should prepare a comprehensive plan to be applied in such stages as Committees thought best suited to the requirements of the local situation.

From this reference an exception was made of applicants between the ages of twenty-five and fifty-four living alone in lodgings, and of all applicants living in lodgings with no resources who were over the age of fifty-five.[2] It was further reiterated that all adjustments into conformity with the standards of the Regulations had, by statute, to be completed during a period of eighteen months from November 16, 1936, and the Memorandum then proceeded to outline some possible methods of adjustment.[3] Committees were free, however, to adopt whatever methods they desired.

Individual committees set to this work at once and most of them had formulated comprehensive plans for their areas within two months.[4]

The Board began to apply the recommendations at the beginning of June 1937, and "every applicant whose current allowance was to be reduced under the recommendations of committees, otherwise than in respect of a change of circumstances, was given at least two weeks' notice of the impending reduction in order to give him an opportunity of appealing to the Appeal Tribunal before any reduction became effective."[5] The process of transition was also very much aided by the operation of the recommendation

[1] Issued during April 1937: reproduced as Appendix II in Cmd. 5752, pp. 180–85. [2] *Ibid.*, pp. 183–84, paragraphs 19 and 20.
[3] *Ibid.*, pp. 181–82, paragraphs 9–15.
[4] *Ibid.*, p. 15; and cf. *ibid.*, pp. 154–56 and 164–65 for the reports of the Regional officers for Wales and Scotland respectively. [5] *Ibid.*, p. 16.

of many committees that from an early date applicants in "new" cases should not derive any advantage from the level of "Standstill" payments, but should be paid allowances from the outset on the basis of the revised Regulations. By the end of the year 1937 there remained only about 30,000 applicants whose allowances still included "Standstill" additions, and in most cases the addition did not exceed 2s.[1] By May 1938 the standard of allowances in the Regulations as prescribed by Parliament had in all cases duly been reached.

Much of the credit for the successful accomplishment of this task must be assigned to the wise recommendations made by the Local Advisory Committees as to the manner and stages in which adjustment of allowances should be made. Very careful consideration had in all areas been taken to see that their proposals were appropriate to the local requirements of the problem, and a measure of their success may be seen in the very few modifications which were required. The Board were indeed greatly indebted to the Committees for the lack of general opposition to their administration in this respect. As was gratefully acknowledged in the Annual Report for 1937, "the fact, of which applicants were aware, that the adjustments were being made in accordance with a local plan recommended by local persons of standing of all shades of opinion and that every facility was afforded for appeals to the Appeal Tribunals undoubtedly helped to reconcile applicants to the reductions."[2]

General Advisory Functions

The foregoing sections have dealt with those aspects of administration in which the Local Advisory Committees were associated with the Board and its officers, by express provision of the revised Regulations. The Board, however, had never contemplated that the functions of the committees should be confined to those contained in the Regulations. The remaining sections of this study deal, therefore, with certain aspects of the day-to-day administrative work of the Board's officers, in which the advice of the

[1] See Cmd. 5752, p. 9: 14,000 of these applicants were in Wales and 10,000 in the Glasgow and Dundee Districts; see *ibid.*, pp. 156 and 164 respectively.

[2] *Ibid.*, p. 16.

committees or of their individual members is specially and habitually consulted.

The development of the association in this respect between the Board and the Advisory Committees took place, and is still taking place, in relation particularly to the promotion of the welfare of applicants, which is one of the express duties of the Board; and secondly, in connection with the treatment of cases considered to be of "special difficulty" under Section 40 of the Act. As Lord Rushcliffe makes clear in the Annual Report for 1936, "in a large service dealing with the varying needs of hundreds of thousands of applicants and their households, there are bound to be a certain number whose cases and circumstances present complex features and to whom special attention must be given with the help of the other social services and the Advisory Committees."[1] This aspect of the work of the committees is of the greatest importance to the community, the more so since the officers of the Board are responsible for their day-to-day administration to no elected representative assembly, whether national or local.

Following the same procedure as in the case of the three specific duties under the revised Regulations, the Board issued to all members of the Advisory Committees Memoranda,[2] in which it was suggested that the function of the committees in this sphere would be to provide "informed advice" not only as to the Board's general administration of the Regulations in the local areas but also as to the way in which certain special types of case might best be treated.[3]

It was thought also that certain members of the committees could do much to promote desirable co-operation between the Board on the one hand and Local Authorities and voluntary organizations on the other.

[1] Cmd. 5526, p. 5.

[2] *A. C. G. 1*, paragraphs 3–6, reproduced as Appendix VII in Cmd. 5526, pp. 159–60; and *A. C. G. 6*, reproduced as Appendix I in Cmd. 5752, pp. 174–79. The first was issued to the committees in March 1936; the second in February 1937.

[3] For the types of case which the Board had in mind, see Cmd. 5526, p. 159, paragraph 3 (iii).

Cases of Special Difficulty

It has been in dealing with these cases that the officers of the Board have made most use of the Advisory Committees. The following passage from the second Memorandum had made this intention clear:

> Under Section 40 of the Unemployment Assistance Act, 1934, the Board's officers are empowered to make an allowance subject to conditions, in certain types of cases described in the Act as of "special difficulty." Many of these cases involve questions of personal judgment, and it would help the officers of the Board if they could bring before a small sub-committee some of these cases where the question of applying the conditions under Section 40 may arise, but where the officer would be glad, before reaching his decision, to have the opportunity of discussing the case with responsible persons of experience.[1]

It will be noticed that it was not contemplated that individual cases of this kind should be referred for consideration by the full committees. It was rightly thought that they could best be dealt with by sub-committees specially constituted for the purpose.

What, then, is a case of "special difficulty"? and what are the "conditions" to which an allowance may be made subject under Section 40?

An application for an allowance may be treated as a case of "special difficulty" where it is found that, having regard to all the circumstances, the applicant has failed to avail himself of opportunities of either employment or training; or where it is necessary to protect the interests either of the applicant himself or of persons dependent upon him. If an officer of the Board is satisfied that a case should be treated as one of "special difficulty," one or more of the following conditions may be imposed:

(*a*) The allowance be paid to some member of the household other than the applicant;

(*b*) The allowance be granted wholly or partly in kind and not in cash;

(*c*) The allowance be paid only upon condition that the applicant attends a work-centre provided by the Board or, under an arrangement between the Board and a Public Assistance Authority, at a work-centre provided by the Authority;

(*d*) The allowance be paid only upon condition that the applicant becomes an inmate of a workhouse, under arrangement with a Public Assistance Authority.

[1] Cmd. 5752, p. 179, paragraph 28.

It is obvious that such cases, in which "questions of personal judgment" are involved, are eminently suitable for the consideration of a small sub-committee called into consultation by the Board's officer. And in practice this is nearly always done, for officers have welcomed the opportunity of discussion before reaching their decisions. It should be noted, however, that it depends entirely upon the officer of the Board whether or not any particular case is considered in this way by a sub-committee; and it has always been emphasized by the Board that the rights of the applicant and the powers and duties of the Appeal Tribunal are unprejudiced by any advice which a committee may give on a case.[1] It is also worth noting that an applicant has an unrestricted right of appeal to the Appeal Tribunal in every case in which a formal determination is made under Section 40.[2]

What use has in practice been made of this Section? and what has been the attitude of the Advisory Committees in respect of it?

It is clear from the Annual Reports of the Board that, whereas conditions (*a*) and (*b*) have been imposed fairly frequently, very little use has been made of conditions (*c*) and (*d*); in fact, before 1938 practically no use at all.

The power to grant an allowance to some member of the household other than the applicant was found of value where the applicant was either mis-spending his allowance, or retaining a disproportionate part of it for his own personal use, to the detriment of his wife and children. The granting of allowances otherwise than in cash has been found useful in clear cases of domestic mismanagement. Part of the allowance is then issued in the form of an order on a tradesman for a suitable quantity of essential foodstuffs. Allowances have also been issued partly or wholly in kind instead of in cash to persons who have been applicants for unemployment assistance because of the disallowance of their unemployment benefit on the grounds of refusing an offer of suitable employment or of abandoning employment without just cause.[3]

But as regards the other two conditions that can be attached to allowances, no work-centres were set up by the Board during the years 1936 and 1937; nor were any arrangements made for the

[1] See Cmd. 5752, p. 54. [2] *Ibid.*, p. 32 [3] *Ibid.*, pp. 30 and 33.

use of any such centres maintained by Local Authorities. In 1936 only five applicants were required to enter a workhouse, and in 1937 "only on very few occasions" was the power exercised.[1] In explanation of this virtual non-use of powers the Board have pointed out that, since many of the applicants whose cases present exceptional features are interviewed by members of the Advisory Committees as well as by the officer, realization of the fact that the powers exist is often sufficient to cause an applicant to change his ways and to make application of the powers themselves unnecessary. Nevertheless the Advisory Committees have gradually become more and more critical of the fact that in the case of many applicants evidence of persistent failure either to accept offers of employment or to retain employment has not been followed by appropriate disciplinary action. Even during the year 1938 work-centre conditions were attached to the grant of an allowance in only 75 cases and workhouse conditions in 164.[2] One of the most important recommendations made by Advisory Committees all over the country, arising from their investigation into long-term unemployment among men under thirty years of age, has been that "where there was evidence that a man was unemployed of his own will the Board's powers under Section 40 of the Act should be exercised."[3] In particular they have advocated the use of Section 40 (2) (*c*), and in some cases have criticized the Board for not having made use of this power earlier.[4]

Until very recently the number of cases in which this condition was imposed has been small owing largely to the lack of facilities. The Board have now, however, entered into arrangements with a number of Local Authorities for the use of their work-centres, and are also engaged in setting up work-centres of their own in localities where the number of cases is thought to

[1] See Cmd. 5526, p. 31, and Cmd. 5752, p. 33.

[2] See the *Annual Report of the Unemployment Assistance Board* for 1938, Cmd. 6021, pp. 22–23: see also, pp. 111–12 and p. 123, for the use of these powers in some of the Regions.

[3] *Ibid.*, pp. 47–48.

[4] *Ibid.*, pp. 84, 96 and 137, for recommendations from the various Regions. A strong motive influencing committees in pressing for work-centres, was the well-founded belief that many men would "go off the dole" rather than attend a work-centre, as they have undisclosed resources or earnings which the Board's officers have not been able to bring to light.

justify this action.[1] "In taking these steps," it is pointed out, "the Board are moving in line with the recommendations made by most Advisory Committees."[2] Indeed it would seem that without this pressure from the committees little would have been done; for the Board had been very slow to set up work-centres on their own initiative. The Advisory Committees have therefore served an extremely useful purpose in this respect.[3]

Training

Under the terms of the Unemployment Act, 1934, the Board are charged with the duty of making provision for the "improvement and re-establishment of the condition" of applicants, "with a view to their being in all respects fit for entry into, or return to, regular employment."[4] For this purpose the Board are empowered[5] to provide and maintain training courses for persons who have attained the age of eighteen, or to contribute towards the cost of such courses provided by the Ministry of Labour or a Local Authority. In practice the Board have established no training schemes of their own but have acted in co-operation with the Ministry of Labour in the conduct of their Government Training Centres, Instructional Centres, and Local Training Centres in some of the Special Areas.[6]

When during the course of 1937 officers of the Board were made primarily responsible for recruitment to the Instructional Centres and to the Local Training Centres[7] in the Special Areas, and responsible also for the nomination of applicants to the Board who should appear before the technical selection panels

[1] For example, the work-centre at Gospel Oak, North London. Facilities for between thirty and fifty men have been provided in a refitted Congregational Church, where they will be given physical training, if they are certified as medically fit, and instruction in woodwork. Their instruction will last for three months and possibly longer. The men, whose ages will vary considerably, are expected to attend for instruction on the mornings of Mondays and Saturdays and all day on Tuesdays, Wednesdays, Thursdays and Fridays.

[2] Cmd. 6021, p 48.

[3] On the outbreak of war, the work centres were discontinued.

[4] See section 35 (2). [5] See section 37.

[6] For accounts of the purpose and type of training offered at each, see Cmd. 5526, pp. 46–48, Cmd. 5752, pp. 44–48, Cmd. 6021, pp. 24–28; and Percy Cohen, *Unemployment Insurance and Assistance in Britain*, pp. 204–11.

[7] See Cmd. 5752, p. 44.

for admission to the Government Training Centres,[1] the procedure adopted was to arrange personal interviews between each applicant and a responsible officer of the Board, at which the applicant's prospects of reabsorption in industry and the benefits offered by a suitable training course were discussed. Care was taken to differentiate between men who were fit for vocational training and men who were suitable for training at an Instructional Centre only. From the commencement, however, it was found extremely difficult to induce applicants to indicate their willingness to enter an Instructional Centre or even to appear before a panel for admission to a Government Training Centre. In view of this reluctance it was early decided to invite the Advisory Committees to assist officers of the Board in the promotion of training. Arrangements were made whereby members of Advisory Committees had the opportunity of visiting an Instructional Centre to acquire first-hand information about the conditions under which training is conducted. Most of the Committees took advantage of this opportunity and sent representative parties.[2] Great interest was taken by the Committees in the subject of training, and members associated themselves with the Board's officers in interviewing potential trainees including those who had hitherto refused to avail themselves of opportunities for training. The Report for 1937 asserts that:

> At the interviews members of Committees deal constructively with the difficulties experienced by applicants in availing themselves of training facilities and many obstacles were overcome by their help and sympathy. Members of some of the Committees visited applicants in their homes to talk over the question with wives or mothers and to obtain their support of the acceptance of training.[3]

The fact remains, however, that in spite of the assistance given in this way by the Advisory Committees, there was very little change in the attitude of most applicants towards training. Figures given in the last three Reports of the Board[4] give some idea of prevailing conditions as regards the official training schemes. Members of Advisory Committees in all parts of the country

[1] See Cmd. 5752, p. 47. [2] *Ibid.*, p. 45. [3] *Ibid.*, p. 53.
[4] See Cmd. 5526, pp. 46–47; Cmd. 5752, pp. 44–47; and Cmd. 6021, pp. 25–27.

experienced the extreme reluctance of most of the applicants whom they interviewed to go to an Instructional Centre. The main causes of this unwillingness were that the value of physical rehabilitation in itself did not appeal to applicants unless they knew that in all probability it would lead to employment; that many quite genuinely feared that they would miss an opportunity of employment which might present itself during absence from home; that attendance at a residential Centre was still regarded by some as a penalty; that many had a great disinclination to being drawn away from their home settings; and lastly, that many were content to live on casual labour supplemented by an allowance. It is obvious that some of these reasons were more justifiable than others, but unwillingness to undergo training was just as much the consequence of deficiencies in the training schemes themselves and of inadequate opportunities for finding suitable work as of natural idleness and apathy.

The Advisory Committees expressed their particular dissatisfaction with the reluctance to accept training of many of the younger long-unemployed who were not tied to their homes by domestic responsibilities. The recommendations which they made to meet this problem are considered in the section on the review of the Board's Register.[1] All that need be said here as regards this social problem—which will be just as serious after the War as it was before it—is that the proposal, that in certain appropriate cases the acceptance of training should be made a condition of receiving an allowance, would be rendered more justifiable if it could be said that each man passing through the course satisfactorily would be virtually sure of obtaining employment at the end of it. It is not enough for an Instructional course to be only a reconditioning course which "interposed" in a long period of unemployment "may save a man from hopeless deterioration":[2] it should also be training with the definite purpose of placing the trained man in employment. Of the 23,000 who attended the Centres in 1938 only 2,855 secured employment direct from the Centres and a further 2,906 within six months of leaving. The employment secured was of varying duration and the Board admitted that employment was not necessarily obtained as a

[1] See below, pp. 347–51.

[2] See Cmd. 6021, p. 27.

result of the training received.[1] The Government Training Centres have not lacked recruits because they have offered the virtual certainty of employment at the end of the course. The Instructional Centres will remain unpopular and recruiting for them will continue to be difficult until they hold out a similar expectation of employment afterwards.

The Local Working Centres were far from successful in fulfilling their own particular functions. Advisory Committees recommended that, if financially possible, more of these Centres should be established to cater for those applicants who were particularly averse to leaving their home districts. Great difficulties were created, however, by voluntary relinquishment of training for no good reason, by casual absenteeism, and by refusal to transfer to other Centres under the agreed scheme.[2] These problems have been under examination by officers of the Board in consultation with the Advisory Committees.

Review of the Register

One of the more definite suggestions in the Memorandum to Advisory Committees, *A. C. G. 6*,[3] was that the local committees should study the composition of the Register of the Board's applicants in their respective areas. The purpose of this study was defined as follows:

> . . . So that they can see the age-grouping of the applicants, whether they are married or not, the number of dependants, how long they have been unemployed, etc., with a view to ascertaining the prospects of their employment, either locally or in other parts of the country, with or without training, and how far the various training schemes can help them.[4]

It was thought that with the acquisition of this knowledge co-operation between the officers of the Board and members of the committees in bringing before applicants the advantages to be derived from attendance at the various training Centres could be made more effective; and also that the committees would incidentally provide themselves with valuable information as to the wider aspects of the Board's work. Moreover, the Board

[1] See Cmd. 6021, p 26.
[2] See Cmd. 5752, p. 48.
[3] See above, p. 337.
[4] Cmd. 5752, p. 176, paragraph 14.

considered that investigations into the personal causes of unemployment would prove of very great value in themselves, and that sound conclusions on the problems of the unemployed could best be reached by considering in detail the individual case of each applicant. At the same time it was fully realized that a review, case by case, of the whole of the Board's Register was not feasible. It was therefore suggested that attention should be given in the first instance to applicants of thirty years of age or under.[1]

Towards the end of 1937, when the Advisory Committees had completed their work on the three matters referred to them under the revised Regulations, District Officers were instructed to invite all committees to begin an analysis of the live Register in their area; and Lord Rushcliffe was able to announce in the Annual Report for the same year that:

> With the willing assent of the Advisory Committees arrangements have been made for applicants to be seen individually by members of the Committees with a view to ascertaining if possible the reason of the prolonged unemployment; to record the conclusions; and, if useful steps can at once be taken, to recommend them. It is expected that, as a result of this inquiry, information of great practical importance will be obtained.[2]

This expectation was realized. A detailed description of the results of the inquiry and of the recommendations made by the Advisory Committees in respect of it may be found in the Annual Report of the Board for 1938.[3] They are obviously of very great importance and are likely to lead to new developments in the policy of the Board for the future: indeed, some of them have already been acted upon.

As regards procedure, the Committees worked very much to the same plan throughout England, Scotland, and Wales. The total number of male applicants of thirty years of age or under in October 1938 was approximately 100,000; and of these about

[1] For the reasons for this choice, see Cmd. 5752, p. 55, and Cmd. 6021, p. 3.

[2] Cmd. 5752, p. 5.

[3] See Cmd. 6021, pp. 2–6 and 44–52 for a summarized account of the inquiry as a whole. The portions of the Regional reports relevant to this subject are as follows: For London, pp. 83–85; for Southern England, pp. 95–97; for the Midlands and East Anglia, pp. 109–13; for North-east England, pp. 120–25; for North-west England, pp. 134–37; for Wales, pp. 145–47; for Scotland, pp. 165–73.

40,000 were seen by the Committees and their cases considered during the course of the year.[1] Particulars of each individual case were furnished to the panels at which the applicants attended for interview. The interviewing panels consisted usually of two members of the Advisory Committees, or members of the panels of those Committees, assisted by an officer of the local Employment Exchange. The presence of this latter official was of great help in advising on industrial matters such as the suitability of applicants for, and the prospects of employment in, particular occupations. The object of the interviews was twofold: on the one hand, to discover the cause of the prolonged unemployment of individuals and to consider ways of improving their employment prospects; and, on the other, to obtain a comprehensive view of the problem as a whole and to arrive at general conclusions. For this latter purpose meetings of the main Committees were held from time to time to receive reports from the sub-committees on the progress of the inquiry and to consider important matters of principle. Then towards the end of 1938 a comprehensive report was drawn up dealing with the inquiry as a whole. Such was the usual procedure adopted by the Local Advisory Committees in each Area.

As regards the findings and recommendations of the committees the following table provides a classification made in October 1938 of the unemployment record for the previous three years of 87,610 applicants of 30 years and under:

	Number	*Per cent*
No employment	16,910	19 3
Less than six months	33,920	38 7
Six months to a year .. .	16,160	18·4
One to two years	15,040	17·2
Two years or more	5,580	6 4
	87,610	100·0[2]

Thus 58 per cent had no employment or less than six months' employment in the three years preceding the inquiry—a sufficient commentary on the grave need for investigation.

Among the causes of long-term unemployment amongst these

[1] See Cmd. 6021, p. 44. [2] *Ibid.*, p. 45.

younger applicants the following were discovered by the committees to be prevalent all over the country, although there were, of course, many contributory factors peculiar to particular areas:

(i) "Blind-alley" occupations followed in early years—a main factor everywhere.
(ii) Changes in the occupational requirements of industry, which diminish the demand for certain classes of workers.
(iii) Early marriages with their resulting restriction of mobility for employment, transference or training.
(iv) The unsatisfactory attitude of many applicants towards training for the improvement of their prospects of employment.
(v) Mental and physical defects, remediable or otherwise.
(vi) The unsatisfactory attitude of a minority of applicants towards the acceptance of work when offered.
(vii) A marked unwillingness on the part of many applicants even when unmarried, who possess qualifications for which there is no demand at home but which might lead to employment elsewhere, to leave their own districts.

Some, or all, of these causes were found by the committees to be the main factors in the prolonged unemployment of applicants to the Board under thirty years of age.

Their recommendations as to the steps which might be taken to alleviate the problem differed, as did their findings, according to the particular circumstances of each Region and District; for the extent of the problem varied in different parts of the country, being one of special difficulty in certain places, as, for example, Glasgow and Liverpool, and in some parts of the Special Areas.[1] Nevertheless, most of the suggestions made were found to be recommended by the committees in general throughout the country.

Firstly, as to "*blind-alley*" *occupations*: it was suggested that the resulting evils might be largely overcome if the example of the better type of employer, in providing for or facilitating the technical training and continued education of youths in their employment, was more widely followed. From some of the committees in South Wales came the suggestion that "vocational training should be available to boys immediately on their leaving school, or a system of apprenticeship should be revived. . . ."[2]

[1] See Cmd. 6021, p. 3.

[2] *Ibid.*, p. 147.

The proposed early examination of the whole question of "blind-alley" employments is certainly of great importance. For, as Lord Rushcliffe pointed out, "it is vitally necessary to any employment policy that steps should be taken to check the employment of lads under conditions in which they reach the age of manhood without acquiring any qualifications that would make them employable at a man's wages."[1]

Secondly, as to *defects of health*: it was found that as many as 8 to 9 per cent of the 40,000 applicants seen by the committees were suffering from mental or physical defects which seriously impaired their employability.[2] In about a quarter of these cases the defect was of a dental, optical or other character that appeared to be remediable: but in the majority of cases the physical defects were of a kind not immediately amenable to treatment and therefore constituted a permanent handicap so far as normal employment is concerned. As regards the 25 per cent, the Board themselves have no power to meet medical needs, but it was found possible in some cases to obtain the necessary treatment through the medical services of the local Authorities.[3] As regards the large majority, however, although technically they were still considered as "capable of work" and therefore came within the scope of the Act, in reality they were at such a disadvantage through chronic ill-health or injury as to be virtually unemployable. The question was raised by some of the committees whether such applicants should not be removed from the Register altogether.[4]

Thirdly, as to *training*: committees in every Region of the country laid stress, on the one hand, upon the value to applicants of a course of training and upon the desirability of extending the existing facilities; and, on the other, upon the extreme disinclination of many applicants to undergo such a course. The difficulty experienced in persuading suitable applicants to undergo training for the improvement of their employment prospects was no new problem but, as has been seen above,[5] was one in which the co-operation of the Advisory Committees had already been invited by the Board prior to the commencement of this parti-

[1] Cmd. 6021, p. 4.
[2] *Ibid.*, pp. 46–47.
[3] *Ibid.*, p. 4.
[4] See, e.g., *ibid.*, p. 85.
[5] See pp. 341–43.

cular inquiry. The records of interviews by the committees revealed that a proportion of young applicants as high as from 25 to 30 per cent consisted of men who appeared to have resigned themselves to a state of unemployment, and to have ceased to take any active steps to alter or improve their position.[1] It was pointed out by the committees that, whether the Instructional Centres afforded a direct avenue to employment or not, these younger unemployed were often in need of the discipline and control which attendance at a residential Centre could provide, in order that they might be saved from the apathy and deterioration which is so frequently the result of long unemployment; and that from the point of view of the community also the young unemployed should keep themselves fit in mind and body as a condition of the receipt of allowances from public funds.

It was with these considerations in mind (states the Report) that many of the Committees recommended, in effect, that payment of allowances should be made conditional, in certain cases, on the acceptance of training. The Board have no power to impose such a condition. They have, however, no doubt that if any such permissive power existed it could be so exercised that, with the assistance of the Advisory Committees and subject to appeal to the Appeal Tribunals, all proper interests of applicants would be reasonably safeguarded.[2]

At the same time it was fully realized that complementary to the adoption of such a policy was the need both for extending the present facilities for training and for making special efforts to find employment for those who satisfactorily completed their training. The training provided at the Instructional Centres was leading to employment in only a minority of cases: this fact undoubtedly had a strong adverse effect on recruitment. Consequently Advisory Committees in every Region expressed the hope that the Board and the Ministry of Labour would take all steps within their power to make it possible "to give every man going to an Instructional Centre a reasonable assurance that on completion of the course he would be placed in employment, as is the case at present with the Government Training Centres."[3]

[1] See Cmd. 6021, p. 49.

[2] *Ibid.*, p. 50. Several committees, however, notably those in the Birmingham district, favoured a continuance of the purely voluntary system of recruitment of trainees (see *ibid.*, p. 109).

[3] *Ibid.*, p. 49.

It is uncertain to what extent the Board have power of themselves to bring about this obviously desirable result, but it will be seen that some of the other proposals of the committees and of the Board had an indirect bearing on the problem.

As for other recommendations on the subject of training, the opinion of the Leicester Committee[1] that the standard—both educational and medical—set for vocational training resulted in the discouragement of those rejected, and that the courses at the Instructional Centres were inadequate since they catered for the unskilled labour market only, was representative of that held by many committees on the subject. They recommended that the Instructional Centre course should be followed by certain technical training.[2]

Fourthly, as to the "*work-shy*": it was emphasized by practically every committee in the country that the indefinite continuance of unconditional allowances to the small minority of men who refused acceptance of reasonable employment was very inadvisable. Most Advisory Committees advocated as a disciplinary measure full application of the Board's existent powers under Section 40 (2) (*c*)[3]; but it is noteworthy that the committee for East London amongst others made their recommendation subject to the qualification that they did not consider this to be the best solution of the problem.[4]

Fifthly, as to *the* "*immobile*": a large number of the committees thought that an extension and stimulation of the official policy of industrial transference was desirable to alleviate immobility. This was thought especially needful in the Special Areas of Wales and Scotland, and in Liverpool.[5] It was realized, however, by the committees that there was at the same time another side to the problem: for it was found in practice extremely difficult to induce many of the unemployed to move away from their home districts.[6] Yet, where applicants possess qualifications for which there is no demand in their own area but which might well lead to employ-

[1] See Cmd. 6021, p. 110.

[2] For other suggestions, see, e g , *ibid.*, pp. 109, 110, 136, and 147.

[3] For a strong motive influencing them in this direction, see above, p. 340. note 4. See Cmd. 6021, p. 84

[5] *Ibid.*, pp. 135–36.

[6] *Ibid.*, p. 148, for other reasons, in addition to the influence of social ties, which may cause this reluctance to move.

ment elsewhere, it is clearly in their ultimate interest to be both willing and ready to go wherever and whenever the opportunity of employment arises. As the Report points out, the proportion of applicants of this type varies very much with the industrial character of a district.[1]

In addition to the recommendations mentioned above, which were related to certain specific causes of long-term unemployment, there were others which related rather to an alleviation of the problem as a whole. The committees were satisfied that for many of the younger applicants discipline of some kind, remedial and friendly in intention, was clearly desirable; and it was thought that in the interest of the men themselves the continuance of allowances should be made conditional, in appropriate circumstances, on acceptance of training; and that for the small number who were deliberately "work-shy" there should be compulsory attendance at a work-centre. But it was pointed out that it was only a minority of the applicants who showed such a regrettable tendency "to settle down on the Board's allowances and to accept a life of idleness as inevitable";[2] the majority were both fit and willing to work.[3] The immediate problem, therefore, was how to provide these men with some share of such employment as was then available but which was not likely to come through the normal process of industrial selection.

The recommendations on this score fell under two main heads.

Some of the committees, especially those in the depressed areas of Scotland and Wales,[4] recommended the Board to urge the Government to start public works schemes, such as road-making, house-building, reclamation of waste land, etc., as a means of creating employment for the long-term unemployed who were fit and willing to work. The Board, however, were not prepared to endorse a recommendation in this form, but, realizing that in

[1] Cmd. 6021, p. 47.

[2] *Ibid.*, p. 50.

[3] Of 2,700 applicants interviewed in the London Region c. 40 per cent appeared to be fit and willing for normal employment; 25 per cent were in need of some sort of training; 10 per cent were mentally or physically handicapped; and the remaining 25 per cent were thought to be "work-shy" (see *ibid.*, p. 84). Cf. p. 109 for the proportions in the Midlands.

[4] See, e.g., *ibid.*, pp. 167 and 146–47.

the ordinary labour market no employer with a chance of selection would engage a long-unemployed man for choice, suggested that preference should be given to the long-unemployed man "by inserting a suitable provision in contracts placed for public or defence works for which the Exchequer is bearing the whole or a large part of the cost."[1] If such a contractor had to engage most of his labour through the Employment Exchange, the Exchanges could put forward, in providing the unskilled labour, long-unemployed men who had had a course at an Instructional Centre.

A further recommendation of the Committees was that the Board should make more active use of Section 37 (*b*) of the Act itself. The Board have power to enter into agreements with Local Authorities under which applicants, who have had a course of training, may be employed for a period not exceeding three months on local schemes of work which will increase their fitness. The Board may also contribute towards the wages of men employed in this way by a Local Authority on work which is utilized as a continuation of a training course.[2] It was thought that men who had had some employment under these conditions would have a better prospect of obtaining subsequent employment on ordinary industrial terms. Any extension of the use of this power obviously depends, however, upon co-operation with Local Authorities: it is to be hoped that it will be forthcoming.

As regards the inquiry as a whole, the interview of applicants by members of the Local Advisory Committees was clearly beneficial both in focusing public opinion upon the difficulties of an urgent social problem and in stimulating many applicants either to accept training or to obtain work.

Unusual Cases

The "advice and assistance" of the Advisory Committees is sometimes utilized by officers of the Board in the treatment of individual cases which exhibit unusual features, in addition to cases of "special difficulty." Officers of the Board are enabled by the Regulations to exercise discretionary powers in dealing with "exceptional needs" of a non-recurrent character and with

[1] See Cmd. 6021, p. 51.

[2] *Ibid.*, p. 51.

cases in which "special circumstances" exist.[1] It is not always sufficient to treat these cases by the grant of a lump sum in the first instance or by an increase in the weekly allowance for a number of weeks in the second. Not infrequently an applicant is in need of some additional help which is not within the Board's power to provide, but which may be available from some local service of a public or voluntary character. In these cases members of the Advisory Committees in most Districts have been able, by reason of their specialized knowledge or their official connection with various Local Authorities or voluntary organizations, to assist the Board's officers materially in securing help of the kind which these outside bodies are especially able to give. It is difficult to generalize about the types of unusual case about which officers of the Board like to consult members of the Advisory Committees, for each case presents its own peculiar features. But the problems involved include amongst others the need for treatment in sickness and convalescence for dependent members of a household; the care of widowers' children and cases of child neglect; the question of overcrowding and bad housing; and the need for remedial treatment of physical defects by the supply of spectacles, dentures, etc.[2] Lord Rushcliffe paid a high tribute to the assistance of members of the committees in this work when he said in the Annual Report for 1937 that:

> the help of Advisory Committees in considering such cases; in ascertaining the true nature of the difficulty; in suggesting a hopeful solution; and, in many cases, procuring the appropriate assistance, has been invaluable and the Board gratefully acknowledge it.[3]

Co-operation with Local Authorities and Social Services

It has been seen in the last section that, where cases exhibit special features or disclose needs of an exceptional character, there is frequently necessity for contact between an officer of the Board and some local social service, because "the problems of need in a household . . . often . . . cannot be fully met by a grant of money." It is obviously desirable that such co-operation

[1] See paragraph IV, Sections 2 and 3 of the Regulations, reproduced as Appendix I in Cmd. 5526, p. 137.

[2] See Cmd. 5752, p. 53.

[3] *Ibid.*, p. 4.

with Local Authorities, particularly with their public health, housing, education, and maternity and child-welfare departments, and with organizations of a voluntary character, should be as close and effective as possible. The task is, however, by no means an easy one.

Under present arrangements the task of co-operation with Local Authorities, as also with voluntary organizations, differs very greatly from area to area. In view of this considerable difference in the extent and manner of the operation of local services, and also because officers of the Board found that applicants were often imperfectly aware of the services which they could obtain from the statutory and voluntary organizations in the neighbourhood, the Board decided that the Advisory Committees, many of whose members would be personally associated with these organizations, could usefully study the services available in their area and could "work out for themselves the most practical method of ensuring that the information at the disposal of officers was up to date and that the appropriate services . . . could be brought to bear upon particular cases."[1] Thus in the London I District a survey of the health and welfare services operating in their area was prepared by the Board for the scrutiny and observations of each Advisory Committee. This survey showed not only what services were available but the exact terms and conditions under which their benefits were given.[2] A similar survey was prepared by the District Officer in Liverpool, where the Advisory Committee was invited to examine the system of co-operation in detail with the object of suggesting means by which it might be improved or made still more effective. The invitation in this instance was extended to Liverpool University, which set up for the purpose a sub-committee of professors and lecturers in social service and public administration, and later published a valuable report of their findings and suggestions.[3] As an example of the difficulties which arise in co-operation between the Board, a Local Authority and Voluntary Organizations, and of suggested lines of demarcation for determining which bodies should most appropriately provide certain services, this report deserves a close study.

The inter-relationships of the various social services are not

[1] Cmd. 5752, p. 56. [2] *Ibid.*, p. 100. [3] *Ibid.*, p. 56.

easily definable in practice although effective co-operation must depend upon a satisfactory definition. It was therefore suggested in the Liverpool Report that the question of the demarcation of frontiers between the Board and other bodies in an area should be referred to a small standing committee of the Advisory Committee empowered to keep in continual review the relationship of the Board with other Social Services.[1] It is uncertain how far a proposal in this form meets with the approval of the Board, but at any rate the Advisory Committees were asked not only to examine the services at present in operation but also to consider whether such services should be developed in their respective areas; and if so, in what direction, and how the committees can foster the development. In many areas schemes of active co-operation have been worked out in detail, and the Board's contact with the voluntary social services relating to the welfare of the unemployed is made more effective by the fact that many members of the Advisory Committees are prominent in this work.

In concluding this section mention must be made of the Consultative Committee of Local Authority Officers, which meets as occasion requires "to afford advice and guidance in matters where both Public Assistance Authorities and the Board are concerned."[2] It is the only example of an advisory body to the Board at Headquarters. The committee appears to have no fixed representation but discusses when necessary the means of co-operation between what, at many points, are complementary services. One of the chief problems at issue has been to decide to what extent the "able-bodied poor" were in fact transferred to the Board on the Second Appointed Day, April 1, 1937. The Public Assistance Authorities were naturally desirous of reducing their liabilities, while, on the other hand, the Board's officers could not legally accept applications for assistance unless such applicants were not only "capable of, and available for, work," but also had as a normal occupation employment insurable under the Widows', Orphans' and Old Age Contributory Pensions Acts. Many Local Authorities complained that the decisions of the Board's officers and of the Appeal Tribunals had been unduly restrictive, but it was clear that the claims of the authorities could not be

[1] See Cmd. 5752, p. 51, paragraph 173.

[2] Cmd. 6021, p. 6.

met "within the limits of present legislation."[1] The problem has, however, been a cause of animosity between Local Authorities and the Board, which the Board have tried to appease through the agency of this Consultative Committee of Local Authority Officers.

IV. CONCLUSION

The foregoing sections of this study have given a descriptive account, firstly, of the general setting in which the Local Advisory Committees to the Unemployment Assistance Board do their work; secondly, of the constitution and personnel of the committees; and thirdly, both of the functions of the committees and of the ways in which they have in practice fulfilled these functions in an advisory capacity. This last has been in greater detail than the rest and has drawn a sharp distinction between, on the one hand, the three statutory duties—as regards which the officers of the Board were expressly required by the revised Regulations of 1936 to consult the recommendations of the committees—and, on the other hand, their remaining less definite functions in connection with the Board's responsibility for the welfare of its applicants and in cases of "special difficulty."

It only remains, in conclusion, to make a few general observations which arise from a consideration of the work of the committees as a whole.

The use of the committees would appear to serve three main purposes:

(i) To bring to bear upon the Board's administration of the relief of long-term unemployment the influence of an informed local public opinion.
(ii) To supervise the means of contact with other social services in the localities and to see that such contact is exercised by officers of the Board in an intelligent and useful manner.
(iii) To provide a source of advice and practical assistance to officers of the Board when dealing with difficult cases.

It should be emphasized again, however, that the committees do not share the responsibility of the Board or its officers for decisions; nor do they usurp the function of the Appeal Tribunals, with

[1] See Cmd. 5752, pp. 7–8.

whom alone rests the final decision of individual cases in the event of an appeal against the decision of an officer. That is to say, it is the Appeal Tribunals and not the Advisory Committees which act as the direct check on the use of discretion by officials. The local committees are strictly advisory. Their three statutory duties under the revised Regulations were special functions which were dealt with and completed at an early stage. In their ordinary functions the Board have always been careful to emphasize that the initiative for bringing a case before a committee or sub-committee rests with the local officer of the Board. The Board's officers have, however, been encouraged to take a broad view of their responsibility in this respect, and relations between officers and the committees will obviously be all the better and more useful for not being unnecessarily rigid. At the same time it should be remembered that, at any rate in the crowded industrial areas, the majority of the members of the committees are busy men with other important interests who cannot usually devote sufficient of their valuable time to the work of the Board in order to become real specialists in the problems of long-term unemployment. In the more rural areas where applicants to the Board are less in number, their types less varied and the members of the committees possibly less busy, this may be more possible. But, on the whole, it is difficult to see how it would in practice be beneficial and therefore desirable for the committees or their individual members to be brought into closer touch with the day-to-day administration.

Finally, it would appear from a consideration of some of the recommendations made by the committees on various aspects of the Board's administration that there is a need for the particular study of certain pressing problems which include the following:

(i) The scope of the various Welfare activities of the Board;
(ii) The relationship between the Board and voluntary organizations in the localities;
(iii) The relationship between the Board and the Public Assistance Committees of Local Authorities;
(iv) The formulation of new or amending legislation to meet new needs which have arisen since the Act of 1934;
(v) The pros and cons of nationalizing the whole of the Poor Law in view of the present anomalies.

All these problems have arisen directly or indirectly from the working in practice of the scheme set up under the Unemployment Act of 1934.

Now none of these problems can best or most usefully be considered by the Local Advisory Committees acting and recommending individually; and the question therefore arises whether it would not be desirable for the Board to make use of some central advisory committee and to consult with such a body as to some or all of these difficulties. It has been noticed that the Consultative Committee of Local Authority Officers is both impermanent and restricted to one particular class of problems. It would not therefore in its present form be a body suitable for the purposes envisaged. It should be remembered, however, that the Board is in a sense itself an Advisory Body, doing for Unemployment Assistance what the Unemployment Insurance Statutory Committee does for the insurance scheme. The case for setting up one or more advisory committees at the centre is therefore not so straightforward as at first sight may appear. But, in any case, whether or not the Board made use of some central committee advisory to themselves, it would be necessary for them to consult with the Statutory Committee, were the fundamental problem of nationalizing the whole of the Poor Law to be considered.

THE USE OF ADVISORY BODIES BY THE DEPARTMENT OF MINES[1]

by J. TAYLOR

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WAR-TIME COMMITTEES AND THE ORIGINS OF THE DEPARTMENT

Between February 1915 and February 1917 the Coal Industry of Great Britain came firstly under State supervision so strict as to amount to virtual control, and ultimately under complete formal control. This process was accomplished by means of three committees,—the Coal Mining Organization Committee, set up in February 1915, concerned with production; the Standing Committee of the Board of Trade to license exportation of coal, appointed in April 1915, commonly known as the Coal Exports Committee; and the Central Coal and Coke Supplies Committee, set up in January 1916, concerned with inland distribution. The

[1] This work was carried out by Mr. J. Taylor as part of a larger piece of research entitled "Principles of State Control of Industry" while he was Goldsmiths' Company's Senior Student in the University of Oxford, 1937–1939.

work of these committees was co-ordinated in September 1916, when Lord Milner was appointed Supervisor of the three committees. Finally, the scheme of control was completed by the appointment, in February 1917, of Mr. Guy Calthrop as Coal Controller.

In addition to the three permanent general committees there were many *ad hoc* committees to deal with specific problems, such as, for example, the Home Grown Timber Committee of February 1916. Although the many committees of the War-time control must be considered as the precursors of the advisory committees with which we are concerned in this study, we shall pass them by, with merely brief acknowledgment of their existence, for several reasons. In the first place, War-time conditions are so far removed from normal that it is doubtful whether the experience of advisory committees under such conditions can tell us more than that emergencies must be dealt with by drastic and abnormal measures. Secondly, by our terms of reference, we are limited to the period after 1919. Thirdly, we are concerned specifically with the Department of Mines—a Department which did not come into existence formally until 1920, though many of its functions had previously been exercised by the Home Office and the Board of Trade. Reference to the War-time committees, however, seems to be justified, for it was in these committees that the Department of Mines may be said to have been begotten: in June 1916 a departmental committee of the Board of Trade, having as chairman Lord Rhondda, was appointed "to consider the position of the coal trade after the War, with especial reference to international competition and to report what measures, if any, are necessary or desirable to safeguard that position." This Committee reported in June 1918. In June 1916 a second committee had been set up, the Coal Conservation Committee, a sub-committee of the Reconstruction Committee, which reported in January 1918. Further, in 1919, there was a Royal Commission of Inquiry into the Coal Industry, the celebrated Sankey Commission. One result of these various inquiries into the state of health of the Coal Industry was the Mining Industry Act, 1920, which created the Department of Mines, functioning as a sub-department of the Board of Trade.

by the Department of Mines

The purpose of the Government in setting up the Department of Mines was not to create a new department of the central government with novel and unprecedented powers over industry, but rather "to concentrate in a single department, in the interests of efficient and economical administration, all the functions of Government in relation to mines and minerals."[1] It did, nevertheless, extend those functions in some directions. We may best obtain some idea of the proposed activities of the new Department from the account given in the First Annual Report of the Secretary for Mines:

> The Act directs the Secretary for Mines in the exercise and performance of his powers and duties, to take steps to "secure the most effective development and utilization of the mineral resources of the United Kingdom and the safety and welfare of those engaged in the mining industry." Most of these powers and duties are derived from enactments previously administered by the Home Office or other Departments.[2] Apart from these the Mining Industry Act, 1920, imposed upon him the general duties of collecting, preparing, and publishing information and statistics, and of initiating and directing research; and the specific duties of issuing regulations for the establishment of joint consultative councils in the coal-mining industry, of making statutory schemes for the common drainage of groups of mines, and of instituting a Miners' Welfare Fund. (First Report, p. 3.)

As well as creating the Department of Mines, the Act of 1920 also provided for the appointment by the Board of Trade of two advisory committees, one for Coal and the Coal Industry, and one for the Metalliferous Mining and Quarrying Industry. The Board were also empowered to set up such further Advisory Committees and to refer to them such questions as they thought fit. The relevant section of the Act should perhaps be quoted, as it is the main statutory authority governing the use of Advisory Committees by the Mines Department:

> (1) The Board of Trade shall appoint committees for the purpose of giving the Board advice and assistance on matters connected with their powers and duties under this Act relating to coal and the

[1] First Annual Report of the Secretary for Mines, 1923, p. 3.

[2] These enactments for the most part regulated "the general conditions of working from the point of view of the health and safety of persons employed in coal mines, mines of stratified ironstone, and mines of shale and fireclay" (First Report, p. 163). The main Acts were those of 1911 and 1914

coal industry and to the metalliferous mining industry respectively, and may appoint one or more other committees for the purpose of giving the Board advice and assistance on matters connected with any of their other powers and duties relating to mines and the mining industry, and in appointing members of any committee hereinbefore referred to the Board of Trade shall act after consultation with the various interests concerned.

(2) The Board of Trade shall refer to an advisory committee for advice any question relating to the powers and duties of the Board relating to mines and the mining industry which appears to the Board of such nature as to make such reference desirable, and shall take into consideration any representation thereon which may be made to the Board by any such committee. (Mining Industry Act, 1920, Section 4, Subsections (1) and (2).)

The Advisory Committees

A complete list of Advisory Committees from 1921 to 1936 is given in the Appendix. Before we proceed to an analysis of these committees, it is perhaps desirable to give a short descriptive account of some typical committees, dividing them for this purpose, according to their origins, into Royal Commissions of Inquiry, statutory committees, and non-statutory committees, indicating briefly the distinguishing characteristics of each particular type of committee.

Royal Commissions of Inquiry

We will first describe a form of advisory committee which is brought into existence only in exceptional circumstances as and when occasion requires, namely, the Royal Commission or the Court of Inquiry.[1] Since 1919 there have been four Royal Commissions and two Courts of Inquiry concerned with the Coal Industry. They were:

1919. Royal ("Sankey") Commission on the Coal Industry.
1925. Royal ("Samuel") Commission on the Coal Industry.
1923–26. Royal Commission on Mining Subsidence.
1935–38. Royal ("Rockley") Commission on Safety in Mines.
1924. The "Buckmaster" Court of Inquiry.
1925. The "Macmillan" Court of Inquiry.

[1] For much of the information in this section, reference has been made to *The Coal Problem*, by J. P. Dickie (London, 1936), which contains a useful summary of the political history of the coal industry in this period.

We must point out here an important difference between Royal Commissions and ordinary Advisory Committees. In the first place, Royal Commissions advise not the Department but the Government. Thus, they are in no sense "inside" the Department or subservient to its purposes. Secondly, in some cases, the Department's activities formed only a small part of the field which they covered. Our purpose in this study, however, is to examine the use by the Central Government of advisory bodies "outside," as it were, the normal machinery of government. Hence, for our purpose, there is more similarity than difference between Royal Commissions and Advisory Committees—both are advisory bodies employing persons outside the government service.

The "Sankey" Commission[1] was appointed in February 1919, and began its sittings on March 5, 1919. The original composition was three members representing the miners, three directly representing the coal owners, three representing the workers in other industries, and three representing the employers in other industries, with Mr. Justice Sankey as Chairman. On March 18, 1919, interim reports on hours and wages appeared: there were three of them, differing as to their precise recommendations but all agreeing that some increase in wages and some reduction in hours were essential. The result was the Coal Mines Act, 1919, reducing the hours to seven and increasing wages by two shillings a shift. On June 20, 1919, the Commission issued its final Reports: there were four of them. The first Report,[2] by the Chairman, recommended both the nationalization of the minerals and also of the industry itself, with equitable compensation to the royalty owners. The second Report,[3] signed by the miners' and workers' representatives, was in substantial agreement with that of the Chairman, but objected to his particular scheme of nationalization

[1] The "Sankey" Commission was composed of:

Mr. Justice Sankey (Chairman), Mr. Arthur Balfour, Mr. R. W. Cooper, Sir A. Duckham, Sir T. Royden, Mr. J. T. Forgie, Mr. Evan Williams, Mr. Frank Hodges, Mr. Robert Smillie, Mr. Herbert Smith, Sir Leo Chiozza Money, Mr. R. H. Tawney, Mr. Sidney Webb.

As expert assessors there were Sir Richard Redmayne, Sir A. L. Dickinson, Mr. S. J. Chapman, and Mr. H. J. Wilson.

[2] *Reports and Minutes of Evidence*, vol. i, Cmd. 359.

[3] *Ibid.*, vol. ii, Cmd. 360.

and also to the payment of compensation to the royalty owners. The third Report,[1] signed by the coal owners' representatives and by two of the employers' representatives, and the fourth Report by the remaining employers' representatives, were in favour of the nationalization of the minerals but against the nationalization of the industry. The Government decided, in view of the Reports, to purchase the mineral rights in coal for the State, but not to nationalize the industry. Owing to the strong opposition of the coal owners, it was not until 1938 that a Government was able to carry through Parliament an Act for the "unification," or nationalization, of coal royalties.

The failure of successive Governments to force measures of reorganization upon the coal industry meant a continuance of trouble, and in 1925 a fresh Royal Commission was appointed "to inquire into and report upon the economic position of the coal industry and the conditions affecting it, and to make any recommendations for the improvement thereof."[2] The Commission held thirty-three public sessions between September 14, 1925, and January 14, 1926, and issued a unanimous Report in March 1926. The inquiry had been thorough and comprehensive, resulting in an extremely valuable Report.[3] It is still having effects on legislation affecting the coal industry,—in particular, through the Acts of 1926, 1930, and 1938, which have attempted to put into effect some of the Commission's findings. In its main conclusions, the Commission decided against nationalization of the industry, but in favour of the nationalization of mining royalties. This has now been accomplished by the Act of 1938 (1 and 2 Geo. VI, c.52).

From 1923 to 1926, there was a Royal Commission on Mining Subsidence which produced two Reports [Cmd. 2570; Cmd. 2899]: as this Commission is of purely technical interest, we may pass it

[1] *Report and Minutes of Evidence*, vol. III, Cmd. 361.

[2] The "Samuel" Commission was composed of:

Sir Herbert Samuel (Chairman), Sir William Beveridge, General Sir Herbert Lawrence, and Mr. Kenneth Lee.

As expert assessors there were the Chief Labour Adviser to the Mines Department, an Inspector of Mines, the Director of Fuel Research, and an expert from the Geological Survey Department.

[3] Report Cmd. 2600, *Minutes of Evidence*, vol. II (Part A), 1926; vol. II (Part B), 1926; vol. III, 1926.

by with merely a reference to its existence. There seems to be no particular reason other than consideration of status and prestige why it should not have been a departmental committee.

The last Royal Commission to be referred to is that on Safety in Coal Mines, set up in 1935.[1] The post-War coal industry is very different technically from that of pre-War days, and with the increased use of intensively mechanized mining methods, in particular the great progress which has been made in the use of electricity both as a lighting and a power medium underground, the time was ripe for an intensive investigation into mining conditions in order to consider the new problems of safety raised by modern mining practice and to discover the best methods of dealing with them. For this purpose, the Royal Commission on Safety in Mines was appointed in December 1935. The Commission issued its Report[2] in December 1938. The Report set out far-reaching proposals for securing greater safety in mines "by adequate strengthening of the administration, the setting of a higher standard of enforcement and observance, an improvement in the material conditions under which the work is carried on and the co-operation of all parties." In March 1939, it was announced in the Commons that the Mines Department was already engaged in implementing these proposals and further legislation was promised in the near future.

The Royal Commissions so far described may be considered as advisory committees precedent to legislation. To complete this section, we must refer to two bodies analogous to quasi-judicial advisory committees, namely the "Buckmaster" Inquiry, 1924, and the "Macmillan" Inquiry, 1925.[3] The first of these bodies was a Court of Inquiry appointed by the Minister of Labour under the Industrial Courts Act, 1919, with Lord

[1] Lord Rockley, P.C., G.B E. (Chairman), Sir Malcolm Delevingne, Sir Henry Walker, Mr. D. R. Grenfell, M.P., Judge Allsebrook, Mr. E. O. Forster Brown, Mr. Ebby Edwards, Mr. W. T. Miller, Mr. W. H. Telfer, Mr. John Walker, Mr. E. W. Ravenshrear (Secretary), Mr. G. B. Brown (Assistant Secretary). [2] Cmd. 5890.

[3] These Courts of Inquiry are formally appointed by and report to the Minister of Labour, and therefore cannot properly be said to be advising the Mines Department. As they affect the Mining Industry so closely, however, it does not seem improper to deal with them here. Further, the Mines Department lists them in its annual list of advisory committees.

Buckmaster as Chairman, to inquire into and report on the wages question and other matters at issue between the coal owners and the men. The Report of the Court consisted of an exhaustive analysis of the wages position, showing that the wages paid to *all* the datallers, and to the piece workers in *some* collieries were less than the equivalent of their pre-War earnings, and strongly recommending an immediate resumption of negotiations between owners and men. These were resumed, and a stoppage averted.

Trouble had been merely deferred, however, and the agreement reached after the "Buckmaster" Inquiry broke down in the following year. Another inquiry under the Industrial Courts Act was therefore undertaken, with the Rt. Hon. H. P. Macmillan, K.C., as Chairman, "To inquire into the causes and circumstances of the dispute in the Coal-Mining Industry and to report thereon." The Court produced a Report after a week's deliberation, which declared that wages were on an average less than pre-War rates, that a minimum wage should be a charge on the industry before profits, and that the efficiency of the industry as a whole could be improved. Thus, while the Court threw light on the causes of the dispute, it made no concrete proposals towards a solution. Both the Mineworkers' Federation and the Mining Association refused to accept the findings of the Court.

Statutory Committees

We next turn to the Statutory Committees—we have already seen that Section 4 of the Mining Industry Act, 1920, set up two committees, the Advisory Committee for Coal and the Coal Industry and the Advisory Committee for the Metalliferous, Mining and Quarrying Industry. There is little information with reference to the former Committee; it is perhaps safe to say that its efforts—if any—proved abortive from the start. With reference to the latter Committee, this was set up in May 1921, and was originally appointed for a period of two years, but has been successively reappointed since its first term. Up to the end of 1932 the Committee had met thirteen times, and its sub-committees many more. Since then, the Secretary for Mines has not had occasion to consult it on metalliferous mining matters. No remuneration is paid to members of the Committee, but

expenses incurred by them in connection with their work on the Committee are met by the Board of Trade. The Committee has from time to time considered various subjects connected with the industry. Following its first appointment, it was mainly engaged in considering revision of the Health and Safety Regulations of the industry. Its conclusions were communicated to the Mines Department, and in addition it made recommendations as to the collection and publication of quarterly statistics of production and employment and annual statistics of equipment; these suggestions were adopted by the Mines Department. Later, in 1932, on the request of the Secretary for Mines, the Committee examined and reported on the possibilities of developing or of reviving the working of metalliferous and associated deposits in Great Britain: a direct result of this investigation was the Mines (Working Facilities) Act, 1934.

Of a type rather different from the two permanent general advisory committees, which have just been described, is the Board for Mining Examinations—a permanent committee for a *specific* administrative purpose. This Board is appointed under Section 8 of the Coal Mines Act, 1911, "for the purpose of ascertaining the fitness of applicants for Certificates of Competency under the Coal Mines Act, 1911."[1] The members of the Board are appointed by and removed by the Secretary for Mines. Procedure is in accordance with rules made by the Board subject to the approval of the Secretary for Mines, who can require reports of their proceedings when he considers it necessary. In fact, an Annual Report is made by the Board and published in Part II of the *Annual General Report of the Chief Inspector of Mines.* The Board meets four times a year, once before and once after the periodical examination which occurs at six-monthly intervals.

Another Committee brought into being by the Mining Industry Act, 1920—it has also been affected by later Acts—is the Miners' Welfare Committee. The function of this Committee is to administer the Miners' Welfare Fund which is "to be applied for such purposes connected with the social well-being, recreation and

[1] Every Manager or Under-Manager of a mine is required to hold either a first or second class Certificate of Competency under Section 5 of the Act.

conditions of living of workers in and about coal mines and with mining education and research as the Board of Trade, after consultation with any Government Department concerned, may approve" (Section 20, Mining Industry Act, 1920). This Committee, it will be noted, is a permanent adjunct to administration.[1]

The Coal Mines Act, 1930, resulted in an important series of advisory committees. Firstly, there are the Committees of Investigation[2] with quasi-judicial duties. There is a National Committee of nine members charged with the duty of investigating any complaint made with respect to the operation of the Central Selling Scheme provided for by the Act of 1930. There are, further, seventeen District Committees of five members each, responsible for investigating any complaint with respect to the operation of the District Scheme for the District for which the Committee is appointed. The chairman and other members of every committee of investigation are persons appointed by the

[1] The Miners' Welfare Fund is financed by a levy on output, payable by the owners, and by a charge on royalties. When the fund was instituted in 1920, it was financed solely by a levy of 1d per ton. In 1926 this levy was supplemented by a levy of 5 per cent on royalties and wayleaves The 1d. per ton produced approximately £1,000,000 per annum, and the royalties levy approximately £200,000. In 1934 the 1d. per ton was reduced to ½d, but in 1939 it was restored to 1d. Since it was started the fund has had the disposal of over £17,000,000

The activities of the Miners' Welfare Committee are as diverse as they are valuable. Chief among them is the provision of pithead baths. The fund is also concerned with the provision of canteens, cycle-sheds, boot-repairing shops, institutes or halls as centres of social intercourse, recreation grounds, and convalescent homes It makes important grants for educational purposes, vocational and non-vocational. It would be difficult to exaggerate the value of the fund in helping to provide the common amenities of civilized life for the miner, but even so, it seems little more than a token payment in settlement of the community's debt to him A full account of the work being done may be found in the Annual Report of the Miners' Welfare Committee.

[2] "5. *Committees of Investigation* —(1) There shall be constituted a national committee of investigation consisting of nine members, which shall be charged with the duty of investigating any complaint made with respect to the operation of the central scheme, and there shall also be constituted for every district a district committee of investigation consisting of five members which shall be charged with the duty of investigating any complaint made with respect to the operation of the district scheme for the district for which the committee is constituted.

"Provided that no such committee shall be empowered to investigate a complaint which could be referred to arbitration by the complainant under the provisions of any such scheme" (Coal Mines Act, 1930).

Board of Trade to represent consumers of coal, owners of coal mines, and workers employed in or about coal mines.

A further advisory committee appointed under the Coal Mines Act, 1930 (Section 5), is the Coal Mines National Industrial Board to provide machinery of a national character to deal with disputes, either in existence or merely apprehended, between owners of, and workers at, coal mines in any district where a settlement cannot be arrived at by district agreement. The powers of the National Board were limited to inquiry into any dispute concerning wages and working conditions referred to it, and to making a report thereon to the owners and workmen concerned. It may thus be considered quasi-judicial in character. It was laid down in the Act that the Board should consist of seventeen members, appointed by the Board of Trade who should also appoint an independent Chairman and Secretary. In the appointment of members other than the Chairman, the following organizations were to be consulted—the Mining Association of Great Britain, the Mineworkers' Federation of Great Britain, the Federation of British Industries, the Association of British Chambers of Commerce, the General Council of the Trades Union Congress, the Co-operative Union and the National Confederation of Employers' Organizations. The Mining Association, when consulted as to the membership of the Board, declined to suggest any persons to represent colliery owners. It was, therefore, necessary to approach District Coal Owners' Associations and individuals in the industry to secure representatives of the colliery owners. Six representatives were secured in this way; two subsequently resigned, and neither their places nor those of three other members who have resigned have been filled, as there has been no recent occasion for referring any matter to the Board. From the time of the constitution of the Board in November 1930, to 1934, ten disputes have been referred to it; in nine cases recommendations were made, and in one case the Board decided that it had no jurisdiction. There have been no references to the Board since 1934. No remuneration is paid to members of the Board, but any expenses incurred by them in connection with their work are met by the Board of Trade.[1]

[1] The failure to make the National Board effectively operative was the inevitable consequence of the refusal of the coal owners to recognize the

Perhaps the most important advisory committee appointed under the 1930 Act was the Coal Mines Reorganization Commission. The Reorganization Commission is fundamentally different from the committees which we have previously considered—which have not been part of the "normal" machinery of government—for the salaries of the Commission and of the full-time staff working for them are paid by the Board of Trade. This Committee—resembling in some respects the Import Duties Advisory Committee—may consequently be considered as part of the permanent machinery of government, a minor department carved from the Mines Department as that developed from the Board of Trade. On the other hand, the Reorganization Commission's members, with the exception of the Chairman, were taken from outside the Government service to advise the Board of Trade upon a specific matter, namely, the reorganization of the mining industry. In view of its task, then, this Committee may be considered as coming within our terms of reference—though it is a border case. The Coal Mines Reorganization Commission, set up under Section 11 of the Act of 1930, consisted of five Commissioners[1] financially independent of the mining industry, appointed by the Board of Trade. The Commission was required, in cases where it considered amalgamation to be desirable, to call upon the owners of the undertakings in question to prepare and submit a scheme under the Mining Industry Act, 1926. Where the owners complied and submitted an agreed scheme, and the Commission certified the scheme to be in the national interest, exemption from stamp duty could be granted upon a certificate by the Board of Trade. Where the owners failed to comply within a period specified by the Commissioners, the latter were themselves to prepare such a scheme and submit it to the Board of Trade. A scheme so submitted was to be in the same position as one put forward under the 1926 Act by one or more colliery owners, and, where referred by the Board of Trade to the Railway

principle of a *national* determination of rates of wages and conditions of employment in the industry and also of their insistence on the principle of *district* settlements.

[1] Its composition was as follows:

Sir Ernest A. Gowers (Chairman), Mr. L. D. Holt, Mr Joseph Jones, Sir William E. Whyte, Sir Felix J. C. Pole, Mr. C. S. Hurst (Secretary).

and Canal Commission and confirmed by that Court, could be put in force by an Order. The failure of the Commission in May 1935 to satisfy the Court that the West Yorkshire partial amalgamation scheme satisfied the requirements of the Act of 1930 proved the ineffectiveness of the Commission to accomplish its purpose. A Bill was introduced by the Government in 1936 to make effective the powers of the Commission, but after strenuous lobbying by the coal owners it was dropped on Second Reading. The functions of the Commission have now been transferred to the Coal Mines Commission, appointed under the Coal Mines Act, 1938, and have been revised in such a manner as to make them more effective. As the new Commission did not begin the first part of its work until January 1, 1939, it is too early to say how effective it will be. Its immediate duties are to carry through the *Unification*, that is, Nationalization, of coal royalties, and to manage and control the property which it will consequently acquire so as best to promote "the interests, efficiency and better organization of the coal mining industry."

Our final example of a statutory advisory committee is the Standing Committee on Mineral Transport. This Committee is a direct result of the recommendation of the "Samuel" Commission that the Ministry of Transport and the Mines Department should establish a standing joint committee, consisting of representatives of those Departments, together with representatives of the railway companies, mine-owners, and merchants, to co-ordinate the provision of larger wagons with a view to standardization, and to undertake special inquiries into such matters as the proper rebate in rates for the use of larger wagons, the alleged greater loss from breakage through the use of larger wagons, reasons for the small number of journeys per month travelled by the wagons, and the question of the use of canals in lieu of road transport. The Committee was finally appointed in February 1927 with the following terms of reference:

> To review the equipment available in connection with the transport of coal from the coalfields to the ports and internal markets of the country and the methods of conducting such transport, and with special reference to the recommendations of the Royal Commission on the Coal Industry (1925) to devise means of promoting such improvements in

that equipment and its use as will lead to the greatest efficiency and economy in transport and be of mutual advantage to the coal-mining industry and the transport agencies; to report to the Minister of Transport and to the Secretary for Mines upon the steps taken and upon any further measures necessary from time to time to bring about desirable alterations, and generally to watch over this matter and the progressive realization of the economies and improvements which the Report of the Royal Commission considers possible.

The Committee may thus be described as a permanent technical committee. Its first Report,[1] in October 1929, dealt with the conversion of facilities at terminals to handle larger wagons, the use of wagons of larger capacity than 20 tons, the adoption of the 20-ton wagon as standard, demurrage and sliding rent charges and the pooling of wagons. Though the inquiries of the Committee continued for some time after its First Report, it has published no further report, and indeed has not met for some months.

Non-Statutory Committees

Consideration will now be given to some typical non-statutory advisory committees. First, perhaps, in importance is the Safety in Mines Research Board. This body was set up in 1923 by the Secretary for Mines to conduct and co-ordinate research into the causes of mining dangers and the means of preventing such dangers; it has been in existence ever since. Its members are chosen by reason of their eminence in mining knowledge and in subjects bearing on mining. An even balance is maintained as far as possible between technical mining experts, that is, mining engineers, representatives of the workmen, and professional members, that is, doctors and scientists—but in no instance is a member appointed as *representing* those interests. The qualifications required for the chairmanship are independence of character combined with administrative experience and some knowledge of the subjects with which the Board is called upon to deal. Meetings of the Board are held eight to ten times a year. The work is financed chiefly by endowments and grants provided from the Miners' Welfare Fund, and is carried out mainly by the Board's own staff at its experimental station at Buxton, its laboratories at Sheffield, and the Royal School of Mines in

[1] Cmd. 4320.

London. Grants for the maintenance of approved research at other places, for example, to research workers at Edinburgh, are however, also made by the Board. Typical subjects of research are those at present (July 1938) in progress into the prevention of coal-dust explosions, firedamp explosions, and the spontaneous combustion of coal; the safe use of electricity, explosives, and safety lamps; the prevention of accidents from falls of ground and haulage operations; the improvement of wire ropes and mine rescue apparatus; and the ventilation of deep and hot mines. The results of these researches are published in the Board's own technical papers and Annual Reports, and in scientific journals. An interesting activity of the Board is its safety propaganda among mine workers—this is carried out by means of demonstrations at the Buxton Research Station, the issue of a special series of illustrated booklets with the title *What Every Mining Man Should Know*, and by films. Arrangements are made for co-operation with the principal mining research organizations abroad, and there are various technical advisory committees which assist the Board, such as the Explosives in Mines Research Committee, the Shot-firing Sub-Committee, the Spontaneous Combustion Advisory Committee, and the Mine Rescue Research Committee.

Another important non-statutory advisory committee is the Miners' Welfare National Scholarship Scheme Selection Committee. This Committee, of which the duties are apparent from the title, is appointed by the Trustees of the Scheme, all Civil Servants. The Committee is chosen in order to represent a wide variety of interests; it includes one nominee of the Scottish Education Department, one woman, one Member of Parliament (for preference a member of the Parliamentary Labour Party), one expert in the Sciences, one expert in the Arts, one expert in Economics and one person who is also a member of the Miners' Welfare Committee,—for liaison purposes. Members are appointed for five years, one member being replaced each year by rotation, though the chairmanship is permanent. A recent additional function of the Committee is its work as an advisory body on exhibitions granted for higher education, that is, study not necessarily leading to a university degree.

A typical example of an *ad hoc* advisory committee, that is, an impermanent body set up to advise the Secretary for Mines on a specific subject, is the Inter-Departmental Committee of Inquiry into Coal Distribution Costs. The precise terms of reference are:

> To inquire into the organization and methods of distribution of coal, coke, and manufactured fuel; to investigate the various items which make up the differences between the prices received by the producers and those paid by the consumers; and to make recommendations.

The need for such a committee of inquiry was made clear by the recent interest aroused in the House of Commons and in the country by the steady increase since 1937–38 in the retail price of coal. It was alleged that this increase was in part due to the need for financing the advance in miners' wages promised as a result of the Wages Agreement between the owners and men reached in January 1936. It was apparent, however, that the increase could not be accounted for entirely in this way, so a committee of inquiry was appointed.

Our final example of a non-statutory advisory committee is the Health Advisory Committee, "the medical conscience of the Secretary for Mines in committee." This Committee was appointed in November 1922 to be a standing committee "to advise as to the action to be taken to lessen occupational disease among workers in mines." Since its inception, the Committee has had fifty-two meetings (to July 1938), and has either tendered direct advice to the Secretary for Mines on a wide range of health matters, or has kept careful watch on the investigation of such matters by other bodies. Some of the health matters which have come before the Committee are silicosis and allied pulmonary diseases at mines; physiological problems relative to work in deep, hot, and humid mines; physiological problems relative to the breathing of poisonous gases; first aid (the General Regulations of 1930 were submitted in draft stage to the Committee for consideration); burns (the investigation and publication of the most desirable measures for dealing with men burned in colliery explosions was the result of the Committee's recommendation). Since the appointment of a Medical Inspector of Mines in 1927 consideration by the Committee of other than major health problems has become increasingly unnecessary, and it now only meets once or twice

a year. The Committee thus seems to have changed its nature since its early days; from a technical committee, it appears to be developing into a policy forming committee.

ANALYSIS

In a review of recent a book on Royal Commissions of Inquiry,[1] Professor Laski suggests that there are six problems which ought to be answered by a writer on this subject:

> The problems to which we need answers in an inquiry of this kind . . . are (i) what is the range of questions suitable for investigation by the committee-system; (ii) what personnel, and what numbers, seem likely to give the best results; (iii) what period elapses between a report and action upon a report, and what is the reason for the difference in time-lag; (iv) what motives lead to the appointment of such bodies, and how far can the motives be gleaned (*a*) from terms of reference and (*b*) from the personnel appointed to investigate; (v) what are the reasons which lead to the different forms of inquiry; (vi) how much difference to action results from the fact that committees of this character frequently result in more than one report?

Professor Laski, Mr. Clokie and Mr. Robinson are dealing primarily with Royal Commissions of Inquiry. Our terms of reference include Royal Commissions of Inquiry, but we are mainly concerned with standing committees which are advising on current work and administration. The Royal Commissions of Inquiry and the other forms of advisory committee with which we are concerned have, as has been already explained (p. 363), so much in common from our point of view that they may be considered different species of a common genus, and so it seems justifiable to take Professor Laski's questions as the starting-point in our analysis of the wider field. This short study of the use by a minor department of State of advisory committees cannot, naturally, pretend to answer Professor Laski's questions in any very definite way—the material for analysis does not cover a wide enough variety of governmental experience—but we do seem able to answer them with some degree of precision within the field covered.

[1] *Royal Commissions of Inquiry*, H. M. Clokie and J. W. Robinson, 1938, reviewed by Professor Laski in the *New Statesman and Nation*, August 13, 1938, p. 258.

The Use of Advisory Bodies

The advisory committees employed by the Department of Mines may be classified in several ways. The preceding sections of this chapter have already classified them by their formal origins into three main groups,—statutory, non-statutory and royal commissions. This grouping, convenient as it is for purely descriptive purposes, is not very helpful analytically. For purposes of analysis it seems better to group the advisory committees by function, as follows:

(i) committees precedent to legislation;
(ii) committees as adjuncts to administration;
(iii) committees concerned with purely technical matters;
(iv) committees with quasi-judicial functions.

The committees in each of these main groups may then be further classified with reference to whether they were committees originating with the Department or committees originating outside the Department; and, secondly, to whether they were *ad hoc* or permanent committees.

Committees Precedent to Legislation

In the period under consideration, there have been five important advisory committees precedent to legislation, if we exclude the "Buckmaster" and "Macmillan" Courts of Inquiry on the ground that they were judicial bodies—although the object of consequential legislation may have been present in their origin.

These five committees were:

(i) The Advisory Committee for Coal and the Coal Industry.
(ii) The Advisory Committee for the Metalliferous Mining and Quarrying Industry.
(iii) The "Sankey" Commission.
(iv) The "Samuel" Commission.
(v) The "Rockley" Commission on Safety in Coal Mines.

The Advisory Committee for Coal and the Coal Industry appears, so far as information is available, to have done nothing or next to nothing. The Advisory Committee for the Metalliferous Mining and Quarrying Industry, however, seems to have had a certain limited success.[1]

[1] Vide pp. 366–7.

The *ad hoc* general advisory committees, the Sankey and Samuel Commissions were comparatively effective. Of the two, the Samuel Commission was the more effective; the most probable reason for its relative success was that its composition was more homogeneous than that of the earlier commission. The "Sankey" Commission was composed of representatives of the various interests concerned in the efficient working of the coal industry together with an impartial chairman. The consequence of this heterogeneity of interests was four separate reports. Apart from the immediate emergency measure, resulting from the interim reports, the Coal Mines Act of 1919, affecting hours and wages, the Commission may be said to have had no result; for, though the Government decided, in view of the Commission's Reports, on the nationalization of minerals, this measure did not come about until twenty years later, when it may more justly be considered a result of the experience gained by the Coal Mines Reorganization Commission, an offspring of the Samuel Commission.

The next important advisory committee precedent to legislation, the Samuel Commission, composed of a small homogeneous body of experts, not representing any particular interest, carried out a thorough inquiry into the state of the industry, which after twelve years is still having important consequences as shown by the Acts of 1926, 1930 and 1938. The delay in carrying out the recommendations of the Commission has not been due to any deficiency in the work of the Commission itself, but seems to have been solely the result of the attitude of the vested interests in the industry, coupled with the timidity of successive Governments as shown by their failure to coerce the obstructive behaviour of these anti-social interests. The Coal Mines Reorganization Commission, for example, may be considered a direct result of the Samuel Commission. The Reorganization Commission attempted to carry out urgently needed work of amalgamation and consolidation in an endeavour to restore prosperity to the industry; that its attempts were foredoomed to failure could be seen from the beginning, as soon as we consider the implications of Lord Melchett's amendments introduced when the Bill which set up the Commission was

passing through the House of Lords.[1] Later, when the President of the Board of Trade attempted to remedy the deficiency in the powers of the Commission by a fresh Bill, the Government was compelled to withdraw the new Bill owing to the opposition of the coal owners. It is yet too early to say whether the Coal Mines Commission, appointed under the Act of 1938 to replace the Reorganization Commission, will be successful. The Act of 1938 has, however, at length put into force the main recommendation of the Samuel Commission towards an effective reorganization of the industry, namely, the nationalization of mining royalties.

To sum up our analysis of the working of advisory committees precedent to legislation, we may say that when concerned with technical problems, non-controversial from a party point of view, thay have been effective in a limited way; though the evidence is not as ample or as clear as one would wish for in making a categorical statement. When these committees have been concerned with problems affecting the general reorganization of the industry, they have been either unsuccessful or there has been a very long time-lag between their recommendations and consequent legislation. The outstanding case of an unsuccessful committee of this kind, the Sankey Commission, may be accounted for by the composition of the committee itself. The relatively successful committee, the Samuel Commission, found that its recommendations were thwarted by vested interests. Such evidence as there is would suggest, therefore, that the proper composition of an *effective* advisory committee precedent to legislation is a small homogeneous body of independent experts of such eminence that their verdict cannot easily be ignored by a Government faced by a powerful and vociferous opposition from the vested interests of the industry. This provides a tentative answer to Professor Laski's second question.

[1] These amendments laid down three conditions concerning schemes of reorganization:

(i) Any scheme of amalgamation must be in the national interest.
(ii) Any scheme of reorganization must result in lowering the cost of production.
(iii) Any scheme of amalgamation must not be financially injurious to any of the undertakings proposed to be amalgamated.

There seems to be no definite answer, in this field, to his first question. Specific technical questions have been speedily answered by the committee system, and recommendations on such matters have been quickly put into practice, especially when the Department itself has initiated the inquiry. On the other hand, very general questions concerned with the entire reorganization of the industry have also been adequately dealt with; failure to put the resulting recommendations into practice has arisen from the failure of Government to enforce the findings of its own committees, with which it agreed, in the face of interested opposition.

With reference to the question of a time-lag between a report and action upon a report, we can merely say that there is a very much shorter time-lag between report and action in the case of reports demanded by the Department than in that of reports requested from outside the Department. For example, the Mines (Working Facilities) Act, 1934, followed in less than two years from the initiation of the inquiry; it has taken twelve years to obtain legislation making effective the main recommendation of the "Samuel" Commission. The special political circumstances of the mining industry, however, make generalization very unsafe in view of the scanty evidence available for forming conclusions.

The answer to Professor Laski's fourth question seems to be, in the case of this Department, that, apart from narrowly technical questions, the main motive leading to the appointment of an advisory committee precedent to legislation is political pressure resulting from strong public feeling that the affairs of the industry are being mismanaged, and that since the industry is vitally important nationally, it is in the public interest that there should be an authoritative public inquiry with a view to reorganization. Little or nothing can be gleaned either from the terms of reference or from the personnel of the committees. The composition of the Sankey Commission would indeed suggest that its appointment was a political expedient, designed to quieten public feeling and—perhaps even more—to tie the hands of the coal workers who were threatening strike action. The personnel of the Samuel Commission, in its impartiality and *expertise*, suggests a much more serious endeavour to find a solution to the problems confronting the industry.

That there seems to be no particular technical reason for the different forms of inquiry is probably the answer to Professor Laski's fifth question. We may say that departmental committees seem to have been set up to consider matters of *specific* import in the coal-mining industry, whereas Royal Commissions deal with matters of *general* import. There is, thus, roughly a distinction between bodies dealing with matters of policy and bodies dealing with matters of administration. This distinction should not be pressed, however, as, for example, there seems no reason why the "Rockley" Commission should not have been a departmental or inter-departmental committee, or, again, why the Inter-Departmental Committee of Inquiry into Coal Distribution Costs should not have been a Royal Commission. A Royal Commission has probably greater authority in the eyes of the public, and this political consideration is most probably the chief reason for the choice between Royal Commission and Departmental or Inter-Departmental Committee.

There does not seem to be sufficient evidence in the case of the Mines Department's committees to give a satisfactory answer to Professor Laski's final question; the answer will most probably be found to be closely bound up with the question of the homogeneity and heterogeneity of the committee's personnel.[1]

Committees as Adjuncts to Administration

In this section we have to consider the working of six main committees. They are:

(i) The Board for Mining Examinations.
(ii) The Miners' Welfare Committee.
(iii) The Miners' Welfare Scholarship Scheme Selection Committee.
(iv) The Health Advisory Committee.
(v) The Safety in Mines Research Board.
(vi) The Coal Mines Reorganization Commission.

The problems under consideration by these committees (except the Coal Mines Reorganization Commission) are naturally of quite a different character from those dealt with by the com-

[1] Vide pp. 385–6.

mittees precedent to legislation; here the problems are non-controversial in the party sense and are matters which, without being narrowly technical, require consideration by a more widely experienced body than could be obtained by a purely departmental committee and in particular require consideration by a body representative of the various interests likely to be affected by their decision.

The typical composition of these bodies—representative of the employing and labouring interests plus one or two eminent persons, distinguished either in the technical, economic, or administrative spheres—reveals their purpose. Members who may be selected as typifying interests affected by the matter on which the committee is called upon to report are in no sense accredited representatives of interested bodies; they are chosen for their training, personal integrity and knowledge of the issues affected by the problem under investigation.

As these committees seem to work so smoothly and efficiently, and as the matters which they consider are of so specialized and technical a nature, they really raise no general problems for us to answer; they may be considered as being purely the domestic concern of the Mines Department and of the Mining Industry.

The Coal Mines Reorganization Commission is an exception to the above generalization. The problems with which this committee has had to deal were not merely technical and internal to the mining industry, but were, owing to the national importance of the industry, of great public interest. Unfortunately, they also aroused bitter partisan political animosities. The Commission had a strong personnel who achieved more than could possibly have been anticipated from the terms of their appointment. The Commission, however, was given an impossible task; without adequate coercive powers, it was to reorganize an industry in the face of the strenuous opposition of the vested interests of the industry. Needless to say, the Commission was a failure; Parliament had given it a job to do but had deprived it (by the amendments of the House of Lords) of the powers requisite for its task.

The only safe generalization which we are able to make with regard to these committees is that where the problem with which they are concerned is narrowly administrative, they are successful;

where the problem involves conflict between the *interests*, they have failed owing to their lack of coercive powers.

Technical Advisory Committees

It is hard to draw a clear-cut line of demarcation between these committees and those with which we have dealt in the last section; for example, the Safety in Mines Research Board was included in the preceding section mainly because it is not entirely composed of technical experts and does not restrict itself to purely technical questions; yet its sub-committees belong to this section. The majority of the advisory committees of the Mines Department are technical in character. Their nature may normally be seen at a glance from their titles. As these committees raise no political issues or questions of general policy, there is no need to spend further time on them here; for a complete list of them the reader is referred to the Appendix.

Quasi-Judicial Advisory Committees

Problems of greater general interest are raised by the working of those advisory committees which exercise quasi-judicial powers. These are:

(1) The Committees of Investigation set up under Section 5 of the Coal Mines Act, 1930.
(2) The Coal Mines National Industrial Board, appointed under Section 15 of the Coal Mines Act, 1930.

The Committees of Investigation were appointed to investigate any complaint made with respect to the operation of the various selling schemes provided for by the Act of 1930. They were to be composed of representatives of consumers, owners of coal mines, and workers employed in or about coal mines. The procedure was somewhat clumsy. After investigating a complaint, the Committee, if it considered the complaint justified, had to report to the Board of Trade. The Board then considered the Report, "consulting such persons as appear to them to be affected," and then, if the Board considered the complaint justified, it finally made recommendations to the executive board of the Selling Scheme. If its recommendations were ignored, the

Board of Trade could declare that the Selling Scheme had ceased to have effect and could supersede it by a new Scheme. This machinery is obviously very cumbrous, involving two inquiries before the passing of judgment, so there is nothing surprising in the fact that there have been complaints of the ineffectiveness of the Committees of Investigation. There seems to be very little justification for the second inquiry by the Board of Trade; its existence seems to imply that the Committees of Investigation are not considered fully competent for their task, quite apart from the extra delay involved. It does, however, allow of an attempt at a compromise solution before resort is made to coercion, always a difficult matter in this industry.

Professor Macgregor has suggested to me that this method of the investigation of "grievance" by committees *outside* the industry is not so satisfactory as the method adopted in Germany of having representatives of workers and consumers *on* the governing body of the cartel with an appeal to the Minister. "Grievance," he suggests, is not a full-time job, but should be incidental to one. In other words, our cartels are too limited in their representation. Although the British coal industry is not so closely integrated as to form a cartel, in view of the activities of the Coal Mines Commission, there is an obvious trend towards formal cartellization in the not very distant future. The Committees of Investigation have certainly not been satisfactory as a means of dealing with "grievance." If consumers' representatives were brought into the governing body of the reorganized industry they would—because of their greater responsibility and knowledge—be in a stronger position for dealing with "grievance" than in their present position on outside committees, where the industry can allege that they have not sufficient knowledge of the conditions of the industry to appreciate its peculiar problems.

The Coal Mines National Industrial Board was an attempt to provide machinery of a national character to deal with disputes which could not be settled by a district agreement between owners and workmen. The Board had no power of coercion; its powers were limited to inquiring into any dispute concerning wages and working conditions referred to it and to making a report to the owners and workers concerned. The Board was thus

intended to provide a convenient framework for voluntary co-operation between the two sides in the industry with the assistance of representatives of the general national interest. Failing co-operation from both sides, such a board could not prove effective and it was impossible to introduce the element of compulsion into an organization which was essentially voluntary in conception. From the first there was lack of co-operation by the coal owners.[1] The Mining Association declined to suggest any persons to represent colliery owners. By approaching the District Coal Owners' Associations and individuals in the industry, six representatives of colliery owners were secured; of these, two subsequently withdrew. The Board has made recommendations in nine cases and in one case decided that it had no jurisdiction. Since 1934 there have been no references to the Board, which must consequently be considered a failure.

The reason why these quasi-judicial bodies have shown themselves to be unsuccessful in their working seems to be mainly that they are *quasi*-judicial and not judicial. Of the two full-dress judicial inquiries, the Buckmaster and the Macmillan Courts of Inquiry, the first at least may be considered to have been successful. The coal-owners and the coal-miners have both repeatedly shown themselves to be extremely obstinate in their mutual opposition, irrespective of the influence of their attitude on the national interest. The coal-owners, in particular, have been very blameworthy in this latter respect. The result is that in the face of such an attitude no body lacking penal sanctions can achieve any success. Consideration of the questions of compulsory arbitration and conciliation implied in this conclusion would, however, lead us beyond the limits of our immediate subject, involving as it would consideration of the desirability of changes in the entire structure of industry.

CONCLUSIONS

In conclusion, we may say that the administrative and technical advisory committees have been successful; the committees

[1] The coal-owners were fundamentally opposed to any *national* standard of either wages or conditions, and sought the application of different standards in different areas.

precedent to legislation and the quasi-judicial committees have had in some cases a limited success, in other cases they have failed completely. We may sum up our reasons for these conclusions in the form of tentative answers to Professor Laski's six problems —though the validity of these answers must not be stressed too much, since they are the result of impressions rather than of rigorous proof.

First, the experience of the Mines Department would suggest that greater effectiveness is obtained in the working of an advisory committee if the range of questions under consideration is narrow. Specific technical or administrative problems have been speedily solved by such committees; general questions tend to lead to inconclusive and self-contradictory reports.

Secondly, the personnel of a committee should be homogeneous and small. If the matter under consideration is technical or narrowly administrative, the committee should consist of a small group of experts representing the interests likely to be affected by the change. If the matter is general the committee should be composed of a small group of eminent authorities from outside the industry, preferably expert in administration, either governmental or business, in political economy and in law. No minority report should be allowed which might provide an excuse for governmental inaction. This broad conclusion is offered, however, with a certain diffidence, as the problem is very complicated. The Sankey Report, for example, was the work of the Chairman; yet within a few years there was a reversal of his findings. Although we hold to the view that eminent authorities from outside the industry are preferable to representatives of the industry for general committees, we are aware of one great difficulty. *Ad hoc* independent "experts" have to get up so much specialized material in a short time, and their selection is so contingent, that there is bound to be contingency in their findings. The stronger the Commission from the point of view of homogeneity, smallness and general *expertise*, the more liable it is to produce erratic findings. The more independent the "experts," the more open are they to the objection that they can know little of so technical a matter as the operation of a large industry. Perhaps a solution of the difficulty would be to have certain

"experts" permanently "in Commission" and for other "experts" or representatives of the "interests" to be co-opted by the Government for *large* questions of revision. This would result in all the advantages of the present method, and would have the further advantage of maintaining continuity of touch, as one of the weaknesses of the Royal Commission method is its irregularity and consequent lack of co-ordination of past and present investigations of a subject.

Thirdly, with regard to a time-lag between a report and action upon a report—in the case of the Mines Department, the time-lag has varied from a few weeks (the Interim Reports of the "Sankey" Commission) to twelve or more years (the nationalization of mineral rights). There seems to be no general reason for this variation: specific reasons for the delay can be found in each case. Two suggestions may be made, however: Reports which have originated at the suggestion of the Department have resulted in effective legislation more speedily than other reports; secondly, the opposition of the coal-owners to reorganization of the industry has been a continually present deadweight of inertia, almost impossible to energize, in the case of the adoption of general reports.

Fourthly, with reference to motives; these are many. Some which may be suggested are pressure of public opinion that a national asset is being wasted by private interests, threat of strike action by the mine workers, threat of lockout by the coal-owners, desire of the Department for greater efficiency and greater control, desire of all interested parties for greater safety, and so on. Narrow terms of reference may imply a desire to solve a problem quickly; or they may be a means of quietly shelving a problem by excluding it from consideration by a committee. In the case of the Mines Department's committees, the first of these motives would seem to prevail. Little can be gleaned as to the motive in appointing a committee from the composition of the personnel. Either representatives of the interests affected may be appointed or an impartial body may be set up. In the first case, if it is a general committee, the interests are kept quiet, and if it is a specific committee, there will be good hope of a rapid and effective report. In the second case, the interests may be annoyed at the

findings of the committee and may refuse to accept the Report, but public opinion is quietened. Which motive prevails depends on whether the Government wants to solve the problem or merely to shelve it.

Fifthly, the reasons leading to the different forms of inquiry seem to be largely accidental. Departmental advisory committees are intended to deal with specific matters, Royal Commissions with general problems. As has been already pointed out, the line of division is not rigid.

Finally, with reference to the difference to action resulting from the issue by a committee of more than one report, we can only say that, as a general rule, it seems advisable for a committee to issue only one report. When a committee, like the Sankey Commission, issues several reports, there is a tendency to ignore its findings and question its authority, while the various reports tend also to become the partisan standards of conflicting groups within the industry. On the other hand, it is exceedingly difficult for either Government or the industry to ignore the single unanimous report of a body of eminent "experts."

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THE USE OF ADVISORY BODIES BY THE MINISTRY OF AGRICULTURE AND FISHERIES

by ANGUS MACKINTOSH

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I. FOREWORD

During the last twenty years the Ministry of Agriculture and Fisheries has employed a great number of advisory bodies. Limitations of space have made it necessary in this study to subject only the representative and distinctive to individual analysis and to disregard many altogether. (For this reason no reference will be made to the Fisheries Branch of the Ministry; it has not employed any advisory body of a distinctive character nor any of a type which cannot be as well or better illustrated by examples from the agricultural branches.) There have, for example, been numerous informal advisory bodies. Some are conferences of external experts whom the Ministry has invited to give advice

on a specific subject. Such conferences are frequent and may be convened for one meeting only. Others are bodies called together to advise upon subjects too minute, too specialized or too delicate to be suitable matters for investigation by a formal and public committee. Their terms of reference are fluid and may be modified in the course of the inquiry. With bodies of those and certain other types it has been impossible to deal.

II. PROSPECT, 1919

The year 1919 is marked as the frontier of a new era in British agricultural administration, both by the formal termination of the War and by the change of status from Board to Ministry of Agriculture and Fisheries.

The need for advice from without the Governmental machine and the wisdom of using advisory bodies to obtain it were realized long before the War of 1914–18, but the extent to which they have been used by the Ministry of Agriculture and Fisheries was greatly increased as a result of it. The flow of abnormal duties which inundated the Department from 1914–18 compelled it to draw heavily upon external sources for advice and assistance, and the number of advisory bodies associated with it rose sharply. The supreme importance of maintaining the nation's food supply and the resultant necessity for forcing home production up to its maximum entailed wide measures of State control of agriculture. The problems thus raised required for their solution constant aid from without. Nor did the end of the War see any immediate decrease in the number of advisory bodies used by the Department. A period of very rapid change in social and economic conditions succeeded and the consequent need of adjustment maintained the strain upon the administration. Innumerable questions arising from the War cried out for long or short term settlement, and the demand for external advice remained as urgent as ever. As time went on, it became clear that State intervention in agriculture was bound in future to be greater than it had been in pre-War years; this, too, made the extended use of advisory bodies imperative.

Any departure in administration is easier to originate than to

bring to an end and the impetus given by the War to the use of advisory bodies was such that the scale on which they are used has remained greater than at any time prior to 1914. This is largely due to the new consciousness of the national importance of agriculture to which the War stirred consumers and producers alike, and of which one outward sign was the Board of Agriculture and Fisheries' elevation to Ministerial status. The public mind set to work with a vigour which demanded more agents and wider knowledge than the Ministry could provide unaided and thus obliged it to invite the co-operation of advisory bodies.

In addition to the causes already given, the very nature of the Ministry is such as to render the extensive use of advisory bodies inevitable. First, it touches the community at peculiarly sensitive points and therefore cannot behave to the citizen as a force wholly external to him. In order to prosecute its tasks successfully under the constant vigilance of the public eye it must carry the citizen with it and allow him to feel that he is always in active touch with the forces affecting his food supply. The Ministry of Agriculture and Fisheries must be reckoned among those forces, and one method of conciliating the citizen is to investigate his views by means of, and to invite him to serve upon, advisory bodies.

Secondly, the activities of the Ministry of Agriculture and Fisheries are more varied than those of most Departments. Education; research into disease, nutrition, plant and animal breeding and marketing and economics; credit and finance; housing and land-drainage; wages and unemployment—all these subjects come within the sphere of the Ministry. It cannot itself maintain a staff of sufficient dimensions and qualifications to provide it with all the advice it requires for every branch of its work and consequently it must seek advice from without.

Thirdly, the Ministry is peculiar in that its own special public is forced to rely upon it to an extent to which those of other Ministries are not. Because of that, the quantity and quality of criticism to which any action by the Ministry is subjected make it essential that it should be constantly informed of the views of its inner public in order to be able to satisfy just demands and to refute unjust censure.

Finally, it is the business of the Ministry, as the Minister[1] said in a speech at Leicester on October 16, 1920, "to be the guide, philosopher and friend of all sections of the industry, and to place at their disposal every new development from research, education and so forth, that can be discovered; to protect the industry, so far as it can, from epidemics of disease and pests; to organize it in the Counties, so that its voice shall be more effective in the Councils of the nation; and to defend it against unfair attacks from wheresoever they proceed." Close and uninterrupted collaboration between the Ministry and the industry is necessary if those aims are to be satisfied. The use of advisory bodies is an essential part of the machinery of collaboration.

III. DEPARTMENTAL INFLUENCE ON ADVISORY BODIES

One of the most striking features of public administration in Great Britain during the last twenty years has been the extension of the influence of Government Departments and their growing intervention in the social and economic life of the nation. In no Department of State has this development been more marked than in the Ministry of Agriculture and Fisheries.

Inevitably, the larger the part which the Ministry played in the organization of the agricultural industry, the greater became the number of tasks devolving upon it. In order to perform those tasks it was necessary that the Ministry should either enlarge its personnel or invite the assistance of external bodies both to give advice and to exercise delegated control over its various schemes. At the same time it felt a natural reluctance to allow such bodies to pursue a course quite independent of the central authority. Departmental influence upon administrative and advisory bodies has therefore steadily increased.

The *Royal Commission on the Economic Prospects of the Agricultural Industry in Great Britain*, for instance, was dissuaded by the Ministry from completing its labours. Appointed in 1919 "to inquire into the economic prospects of the agricultural industry in Great Britain, with special reference to the

[1] Lord Lee of Fareham.

adjustment of a balance between the prices of agricultural commodities, the costs of production, the remuneration of labour, and hours of employment,"[1] it published an Interim Report in the same year and has not since met, although technically it is still sitting.

The Commission was defeated by its size (it consisted of twenty-two members) and by the quality of its membership (it was deliberately constituted to represent the sectional interests affected by the terms of reference). Every member of such a body comes to the council table with his personal prejudices and predilections, and the more members there are the greater will be the likelihood of conflict of opinion. The atmosphere of intimate personal association which is an invaluable aid to sympathetic and successful collaboration is proportionately attenuated as the personnel increases. As the scope for disagreement widens, the possibility of resolving differences and achieving even a residual unanimity grows progressively less. On the other hand, from the point of view of its influence upon public opinion and the intrinsic value of its conclusions, the larger an advisory body is the more important is the attainment of unanimity. Even if the members of an advisory body of the size of this Royal Commission did make the individual concessions which would enable them to present a unanimous report, the recommendations put forward would be so few, so conservative or so heterogeneous that their value would be small.

Advisory bodies should be representative only when their duties are to settle conflicting claims or perform some similar task. A good example is the *Provisional Hops Committee* appointed in 1934 to draw up an agreement between brewers and hop-growers. Without its successful deliberations it is unlikely that the Hops Marketing Scheme would have remained effective. The Committee was composed of three brewers' representatives, three representatives of the Hops Marketing Board and three impartial members.

Impartial members are nearly always essential to such bodies, as the history of the two *Agricultural Wages Boards* and the *Permanent Joint Conciliation Committees* shows. All were

[1] Cmd. 473, 1919, Minute of Appointment.

appointed to fix for agricultural workers minimum wage rates which would be acceptable both to employers and employees. The success of the two Boards and the failure of the Committees was due above all to the fact that the Boards included impartial members in addition to the representatives of farmers and of workers, whereas the Committees did not. The representatives of the workers and the representatives of the farmers on every committee had each one collective vote; the result of voting was nearly always stalemate with one vote for and one against any proposed figure, and few Committees effected an agreement. Under the Wages Board system the final decision was almost invariably made by the impartial members, the representative members voting *en bloc* against each other. That is not an ideal solution, but no minimum wage rate could have been enforced except with the consent of representative bodies and the Boards did achieve working agreements.

To return to the Royal Commission: it was sharply divided upon the main question with which it dealt, the majority advising the continuance of a scheme of guaranteed minimum prices for corn on the terms and conditions laid down in the Corn Production Act of 1917, the minority opposing it. One of the members was in favour of the principle of guarantee but disagreed with the scheme recommended by his colleagues for its application.

The Government accepted the findings of the Majority Report for a time, and guaranteed minimum corn prices were continued until the general fall in prices brought about the passage of the Corn Production Acts (Repeal) Act of 1921. The Ministry of Agriculture and Fisheries seems to have decided, after receiving the Commission's first report, that it would be unprofitable to prolong its deliberations and they were quietly but effectively brought to an end.

At first sight it would appear that, when a Department sets up an advisory body it is its duty to give it every chance to come to whatever conclusions it thinks fit, independently of any views held by the Department. Ideally, there is much to be said for such a view. If the Department had no clear policy of its own with regard to the problem in question, it would be advantageous to obtain the free and considered opinion of an independent group

of competent persons. If it had a policy in mind, such an opinion would be no less useful for purposes of confirmation or modification and as an estimate of probable public reaction. On this view any attempt to predetermine the report of an advisory body must appear mistaken.

The findings of a Departmental Committee, however, have a far-reaching effect upon public opinion and can often give an authority to a scheme which it would not have if issued by a Department or a Minister. The position of the Department is thus liable to be rendered extremely difficult if an advisory body of its appointment reports in a manner contrary to the conclusions at which the Department has already arrived.

A case in point is that of the *United Kingdom Sugar Industry Inquiry Committee*. This body was appointed jointly by the Chancellor of the Exchequer and the Minister of Agriculture and Fisheries in April 1934, to "inquire into the condition of the sugar industry in the United Kingdom including both home-grown beet sugar and imported sugar, and covering production, refining and distribution and, having in mind the changes in the structure of the industry which would follow upon its reorganization under the Agricultural Marketing Acts, to make recommendations for its future conduct and in particular as to the application of State aid in so far as this may be considered necessary."[1] The Committee consisted of three members and was an independent and impartial body possessed of wide legal and commercial knowledge.

The initiation of the inquiry was announced in the Press and invitations were sent to a number of societies and other organizations interested in the subject, asking them to submit their views on matters concerning them. A second group of bodies less directly interested were notified of the Committee's appointment so that they might submit representations. As the investigation drew to a close a notice was inserted in the Press asking any person or body desirous of submitting further views to do so. At certain private meetings additional oral evidence was taken supplementing the written memoranda. The United Kingdom Sugar Industry Committee set up a special Sub-committee for the

[1] Cmd. 4871, 1935, p. 1.

purpose of giving evidence on behalf of the beet sugar factories and the sugar refineries. There were also a number of informal meetings with representatives of the factories and refineries. The Committee "had the advantage of an expert accounting investigation of the accounts of the beet sugar factories, the books of which were made fully available to the accountants," and were given "confidential information regarding costs, profits, etc., by the sugar refiners."[1] The interested Government Departments supplied evidence and other assistance. In all, fifty-five meetings were held and a report was published dated March 13, 1935.

The Committee interpreted their terms of reference "as implying that our inquiry should cover the whole sphere of Government policy with regard to all branches of the United Kingdom sugar industry, including the question of the desirability or otherwise of the continuance of State assistance in any form to the beet sugar industry. With reference to the latter question our interpretation is confirmed by the reply given by the Chancellor of the Exchequer to a question in Parliament on May 3, 1934."[2]

On this fundamental question they were unable to reach an agreement and, in consequence, presented a Majority Report signed by two members, and a Minority Report signed by the third. The first conclusion of the Majority Report was that its signatories saw "no reasonable prospect of the industry becoming self-supporting,"[3] and that "after careful examination of all the facts and evidence presented to us, the view of the majority," consisting of the Chairman (Sir Wilfrid Greene, now Master of the Rolls), and Sir Kenneth Lee, "is that the facts are not sufficient to support a recommendation in favour of continued assistance to the industry."[4] The Minority Report by Mr. Cyril Lloyd took "the different view that the value of the industry is sufficiently great to warrant the continuance of assistance for a further period."[5] Apart from this primary disagreement the Committee were unanimous at almost all points in detailing a plan for the reorganization of the industry.

The conclusions of the Majority Report were, unfortunately, not

[1] Cmd. 4871, 1935, p. 2. [2] *Ibid.*, p. 2.
[3] *Ibid.*, p. 94. [4] *Ibid.*, p. 3. [5] *Ibid.*, p. 3.

at all what the Ministry wanted. There had been a division of opinion between the Ministry and the Treasury, the latter desiring to discontinue subsidizing the beet sugar industry. The Ministry, in appointing the Greene Committee, hoped to obtain from it support sufficient to enable it to maintain the subsidy in the face of Treasury opposition. "Mr. Elliot, the Minister of Agriculture, announced that this Committee would be appointed when he spoke in the House of Commons on March 7th on the British sugar industry. In view of the technical nature of the questions involved it was decided to limit the personnel to three, and the Government hoped that the report would form the foundation on which a long-term policy could be built. On March 20th Mr. Elliot expressed the hope that the Committee would present its report in time to enable the Government to determine its long-term policy before the contract period for the 1935 crop began."[1] The Ministry had thus made up its mind upon the general question of policy and publicly committed itself to continuing assistance to the sugar industry even at the time of the Committee's appointment. On the presentation of the two reports it had no alternative to rejecting the Majority and accepting the Minority Report. If there had not been a violent, widespread and sustained outcry against the former by the industry itself, that rejection might have been a far less easy matter than it was.

Normally it is difficult for a Department not to exert influence upon the advisory bodies it appoints, and there are practically no limits to the extent to which it can do so. Its choice of members is restricted to men and women of whom it knows and approves and there is therefore an initial probability that the views of any body will be acceptable to the Department. Very often, too, one or more Departmental officials are appointed to an advisory body and, as they know more than their colleagues about the issues involved in the subject under consideration, their influence on the course of deliberation is likely to be great. Although it is hard to know when such internal influence is being exerted and an officer of a Department, if a full member of a committee, may equally well put forward personal or departmental views, yet, should the Department have taken decisions which affect a judgment at

[1] *The Times*, April 4, 1934.

any point, the officer's views are almost certain to be departmental. A well-chosen Chairman can be extremely helpful to a Department which wants to guide one of its advisory bodies, and the Secretary (who, in the case of advisory bodies to the Ministry of Agriculture and Fisheries, is almost always a Departmental Officer) can exercise control over both the work of his committee and the drafting of the report. The papers circulated to members of a committee are often submitted to the Ministry of Agriculture and Fisheries and one person is set aside to read them and so keep in touch with the work.

In view of these facts it is little wonder that the practice of giving Departmental guidance to advisory bodies should be common. Of late years the tendency has increased and before long it may well be that advisory bodies, particularly those concerned with policy, will be regular Departmental instruments for working out plans already determined in principle and for providing the propaganda necessary to secure public approval and co-operation.

IV. THE PERMANENT ADVISORY BODY ON POLICY

It might be supposed that no problems were more suitable for solution by advisory bodies than those in the realm of policy determination, but a detailed examination of one outstanding example of such bodies will show that so to believe is seriously mistaken. The previous section showed the sort of fate with which the *ad hoc* non-statutory advisory body on policy is apt to meet; this will show what is liable to happen to a permanent statutory advisory body on policy.

The Ministry of Agriculture and Fisheries Act of 1919 established two groups of extra-departmental bodies. The *County Agricultural Committees* were a reconstruction of the *County War Agricultural Executive Committees* set up in 1917 and do not fall within the scope of this study. The other group consists of the *Council of Agriculture for England*, the *Council of Agriculture for Wales* and the *Agricultural Advisory Committee for England and Wales*.

At the inaugural meeting of the Council of Agriculture for

England, on December 9, 1920, the Minister of Agriculture and Fisheries, Lord Lee of Fareham, said, "If any one person is responsible for the inception of this Council it is Lord Selborne and the Agricultural Reconstruction Committee over which he presided. . . ." This Committee, which reported in 1918, made the following recommendation: "In our opinion the Agricultural Department of each country should, in carrying out . . . its . . . duties, act in constant consultation with a National Agricultural Council or Board, which we hope may be formed so as to represent the progressive agricultural thought of the country and fulfilling the analogous functions to . . . the German Agricultural Council."[1] The Committee was much interested in the Irish Council of Agriculture and its report included an account of that Council from which it is clear that it served as a model for the Council of Agriculture for England. Important as this suggestion was it is unlikely that the Council would have come into being but for the enthusiasm with which Lord Lee himself adopted the proposal. "I think," he said at that first meeting, "it is recognized now by everyone that it is very advisable that Government Departments . . . should be kept in the closest possible touch with instructed public feeling and opinion with regard to the matters with which the Departments have to deal." On several occasions he declared his hope that the Council would function as an "Agricultural Parliament": "I want this to be a real Council," he said, "a real advisory body: I do not want it to be in any sense merely a debating body."

The Act provided that the Council should be composed of two members of each County Agricultural Committee and one member of each County Borough Agricultural Committee in England, to be nominated by those Committees, with the proviso that the total number of members nominated by the latter group of Committees should not exceed twelve; of six members (three of whom were to represent agricultural workers) of the Agricultural Wages Board, to be nominated by it; and of thirty-six persons to be nominated by the Ministry of Agriculture and Fisheries, of whom not less than eight were to represent agricultural workers, not less than four were to represent owners of agricultural land,

[1] Cd. 9079, 1918, p. 25.

not less than four were to be tenants of such land, not less than three were to be women, not less than six were to represent the horticultural industry, and not less than three were to represent agricultural education or research.

The Council was to meet in public and at least twice a year "for the purpose of discussing matters of public interest relating to agriculture and other rural industries."[1]

The Act also established an Agricultural Advisory Committee, which Lord Lee envisaged as an "Agricultural Cabinet," whose duty it should be to "advise the Board with respect to the matters and questions submitted to them in relation to the exercise by the Board of any powers or duties which do not relate to the industry of fishing."[2] It was to "be at liberty to make recommendations to the Board in relation to other matters affecting agriculture or other rural industries."[3] This Committee was to consist of five of the members of the Council of Agriculture for England who had been nominated by the County Committees, to be nominated by the whole body of such members representing the County Committees; of five of the members of the Council of Agriculture for England who had been nominated by the Board of Agriculture and Fisheries, to be nominated by the whole body of such members so that one should be an owner and one a tenant of agricultural land, one a representative of agricultural workers, one a woman, and one a representative of agricultural education or research; of two persons to be nominated by the Board of Agriculture and Fisheries as representatives respectively of employers and workers; of two members of the Council of Agriculture for Wales, to be nominated by it; and of two persons to be nominated by the Secretary of State for Scotland with the right to attend and vote only on matters arising under the Diseases of Animals Acts, 1874–1914.

Both Council and Committee suffered from fundamental disabilities which made it inevitable that they should be no more than the mere debating societies which Lord Lee so keenly desired them not to be. Three of these constitutional flaws must be mentioned. The first two more particularly affected the Council,

[1] Ministry of Agriculture and Fisheries Act, Part II, Section 3.
[2] *Ibid.*, Section 4. [3] *Ibid.*

the third the Committee, but all three are to be found to some extent in both.

First, the Council at least was far too large. No representative advisory body consisting of almost a hundred and fifty members can, under any normal circumstances, hope to function effectively, particularly when its concern is with policy.

Secondly, those defects were exaggerated, and others induced, by the attempt to make the Council exhaustively representative. The inequality of its membership has been such that issues were bound to be confused, discussion diffuse and inadequate, emphasis misplaced and the appreciation of the importance of many subjects sadly insufficient.

Much of what has been said in the two previous paragraphs touches the Committee as well, if not as nearly, as the Council. The third major disadvantage common to both exercised greater effect upon the Committee than upon the Council and was the main cause of its failure. It derives in part from the faults of size and representation already mentioned. Advisory bodies consisting of many and representative members cannot meet frequently, for the larger and the more dispersed an association is the more difficult it is to find dates of meeting suitable even to a quorum of its members. The devisal and supervision of policy demand not only incessant attention but also the freedom to meet suddenly if circumstances should require it. This conflict of supply and demand did much to atrophy both the Committee and the Council.

Moves in the realm of policy must often be secret and it might therefore be injudicious to discuss them with an advisory body consisting, as does the Agricultural Advisory Committee, of sixteen members—still more so to subject them, during the delicate stages of early negotiation, to full-dress debate in public by such a body as the Council.

The Committee was active during the first four years of its existence, meeting fairly regularly once a month. The Minister took the chair and his Parliamentary Secretary and the Chief Officials of the Department also attended. Even as late as February 1924 the Prime Minister thought sufficiently well of the Committee to summon it to Downing Street to hear that the Government desired to face the agricultural problem as one of national

importance and would be glad of the Committee's assistance. In April of that year, however, all those members both of the Council and of the Committee who were also members of the National Farmers' Union resigned. This defection, with the loss of prestige and influence it entailed, was the final nail in the coffin of the Committee. It was never again the same in the eyes either of the Minister or the Department. In 1926 it met only seven times, and thenceforward the annual number of meetings steadily decreased until for some years now it has not met at all.

The Council, too, began quite early to prove unequal to its duties. At the fourth meeting, on August 17, 1921, its relations with the Ministry were sufficiently unhappy for a member to table the proposal "that the Council do consider whether it has any further opportunities of useful service in view of the recent attitude to it of the Ministry of Agriculture and Fisheries."[1] Before the end of 1923 the difficulty arising from the need for secrecy and for quick decisions on policy had already fully emerged. At the eleventh meeting of the Council on December 13, 1923, Lord Clinton moved "that in order that this Council may be enabled to carry out the duties for which it was appointed, it is essential that opportunities should be given for the discussion of changes in Agricultural Policy before the Government is committed to them."[2] He pointed out that the Council met only once in six months, that it was impossible to carry on any work effectively with only two meetings a year, and that to be effective the Council required a standing executive committee. A special committee was therefore appointed to consider ways and means of improving the Council. Its report recommended more frequent meetings and contained a scheme for the constitution of a Standing Committee.

This scheme, which was adopted, proposed that the Committee should consist of five representatives of land owners, five representatives of farmers and five representatives of agricultural workers. The Chairman of the Council was *ex officio* to be a member, and one of each group of members was to be a person

[1] *Journal of the Ministry of Agriculture*, vol. xxvii, p. 580.
[2] *Ibid.*, vol. xxx, p. 932.

who was also a member of the Agricultural Advisory Committee. The Standing Committee was to meet once a month and it should be its duty:

(*a*) To keep watch on the agricultural position and to bring before the Council matters of importance for the purpose of discussion by the Council.

(*b*) To keep in close touch with the Agricultural Advisory Committee for England and Wales and to ascertain from time to time whether the Minister of Agriculture desires to set down for discussion by the Council one or more subjects on which he wishes to gather the authoritative opinion of agriculturists.

(*c*) To communicate with any state departments or other bodies representing agricultural or rural interests, including the bodies concerned with research, education or organization of these interests; and to invite them to submit their policies or other information for consideration by the Council . . .[1]

A Committee of this type had been a crying need of the Council from the outset. Because of its absence the agenda had been haphazard and unsatisfactory, with unfortunate effects upon the Council's work. The Committee's appointment imbued the Council with new vitality but the stimulus was not effective for long. For nine of the eighteen full years of the Council's existence the number of its annual meetings has been the statutory low limit of two; and only in two years of the other nine has it risen above three.

The appointment of the Standing Committee had one immediate adverse effect upon the Council. Twenty-five members of the National Farmers' Union, all of whom were members of the Council and some of whom were members of the Agricultural Advisory Committee also, resigned from both because they objected to the claim, implied in one passage of the Standing Committee's terms of reference, that the Council was entitled to express "the authoritative opinion of agriculturists." As the Council was appointed for that very purpose, and as care was apparently taken in determining its composition to make it representative of every section and cross-section of agricultural thought and interest in order that its opinions might carry the weight of authority, that objection may seem obscure. It was not, however,

[1] *Journal of the Ministry of Agriculture*, vol. xxxi, p. 67.

unjustified. Analysis of the Council's membership shows that regrettably few of its members have been men directly dependent upon agriculture for their livelihood. The largest group of members are the nominees of the County Agricultural Committees. Many of these Committees represent County Councils of a predominantly urban character and, even when this is not so, the members appointed to the Council by the County Agricultural Committees are very often not practical agriculturists. The other main group of members, those appointed by the Minister, have generally been agricultural economists and scientists, important land owners and other men of repute in the agricultural world. Those engaged in making their living on the land have been in a minority.

This has been a serious weakness inherent in the Council and it makes the complaint of the National Farmers' Union intelligible and reasonable. A majority of the Council did not have that interest in the land which derives from dependence upon it and their opinions upon agricultural affairs were therefore unlikely to be based upon the immediate knowledge of practical necessities and the acute consciousness of the need for careful judgment which were requisite to render them authoritative. Partly because it has no executive powers and partly because of the quality of its membership, the Council lacks responsibility and is liable to express opinions to which it might not have given voice had it had to carry out its own recommendations or had the majority of its members been directly engaged in agriculture.

Finally, the Union may have thought that the claim to authority was unjustified in a body of whose members only a small proportion were members of the Union. In spite of regarding itself as a check upon and stimulus to officialdom, the Union has been jealously anxious to establish itself as the first of the Ministry's advisers. This it has done, both because it has permanent headquarters at which its officers can be found without delay (whereas an advisory body in the ordinary sense can be approached only after its members have been summoned and given time to assemble) and because of the political influence of its voting strength. The consolidation of the Union's position was seriously detrimental to the Council.

Whatever the true explanation may be, the seccession of the Union members proved as unfortunate for the Council as for the Agricultural Advisory Committee. By it the Council lost not only prestige but also many of its most energetic members. The element most likely to hold fast to its opinions in face of Departmental or other opposition vanished, leaving an enervated body the majority of whose members were glad to complete its business in as short a time as possible and, lacking enthusiasm and tenacity of purpose, contributed few new ideas to the common store. This defection was bound to lead to a still closer connection between the Council and Ministry—which may or may not be regarded as an undesirable trend. Finally, the most influential single interest in the agricultural community was thenceforth unrepresented on the Council. For a body so many of whose eggs were in the basket of representation that was a major disaster.

The emphasis now shifted to the Committee and the Council itself became even more of a cipher than before. The Committee did not serve merely to arrange suitable agenda for the meetings of the Council; it very soon came about that the Council's meetings were occupied almost exclusively with discussion of the Committee's reports—diffuse and uncreative discussion which normally ended in unconditional adoption.

The Committee has continued actively since its first appointment and in fourteen years has, besides many others, produced seventy-five reports of sufficient importance to be printed in the *Journal of the Ministry of Agriculture*—an average of over five a year. These reports deal with every kind of agricultural problem, long-term and short-term, specific and general, of science and of policy. They have been of considerable value as a review of the past, as a running commentary on the present and as a guide to the future.

The Council provides an object lesson in the necessity for care in the use of representation, in the difficulties confronting an advisory body on policy whose membership is at all large and in the general unprofitability of any standing advisory body in the realm of policy determination.

V. AN ADVISORY NETWORK: THE STATUTORY ADVISORY BODY

The Agricultural Marketing Acts of 1931 and 1933 inaugurated a new period in the history of British farming. They were based on four main principles which might be described as organization on commodity lines, co-operation founded on internal compulsion, producer-control and the regulation both of imports and of home-production. An account of the antecedents of these Acts will show how some of the advisory bodies to the Ministry of Agriculture and Fisheries have had important results even after an intervening period of Departmental inactivity. Some mention of the advisory bodies established under the Acts will further demonstrate how the use of advisory bodies has been extended since 1919 and how statutory advisory bodies have been used by the Ministry for the prosecution of its schemes. So far examples have been given only of isolated bodies; the concern of this section will be mainly with a group of closely related advisory bodies. Under the Marketing Acts the *Agricultural Marketing Boards*, the *Development Boards*, the *Agricultural Marketing Reorganization Commissions*, the *Consumers' Committees*, the *Committees of Investigation*, the *Agricultural Marketing Facilities Committees*, and the *Market Supply Committee* were established, and from their lead followed the creation of the *Commissions* for *Wheat*, *Sugar* and *Livestock*.

The Marketing Boards, the Development Boards and the Commodity Commissions are not primarily advisory bodies; their main functions are administrative and executive and they maintain permanent staffs and offices. The others are advisory bodies proper.

Not only did the Merchandise Marks Act of 1926 and the Agricultural Produce (Grading and Marking) Acts of 1928 and 1931 pave the way for the Agricultural Marketing Acts of 1931 and 1933, but the inspiration for the latter was derived from the reports of two committees which had been appointed ten years before—the *Departmental Committee on Distribution and Prices of Agricultural Produce* (better known as the *Linlithgow Committee*) and the *Committee on Stabilization of Agricultural Prices*. It is difficult to trace the emergence of a policy along definite lines

from one or more specific origins, and examination of these two committees will show that the policy of the Agricultural Marketing Acts was due in part to causes anterior to and independent of their recommendations. It may, however, be said that the Linlithgow Committee and the Committee on Stabilization of Agricultural Prices did provide much of the stimulus for the Merchandise Marks Act, the Agricultural Produce (Grading and Marking) Acts and the Agricultural Marketing Acts.

The Linlithgow Committee was appointed on December 13, 1922, by the Minister of Agriculture and Fisheries "to inquire into the methods and costs of selling and distributing agricultural, horticultural and dairy produce in Great Britain, and to consider whether, and if so by what means, the disparity between the price received by the producer and that paid by the consumer can be diminished."[1] So far as can be ascertained, the reason for the Committee's appointment was that given in the terms of reference. The implied desire to benefit the producer by economies in distribution was reflected in and met by, for example, the Milk Marketing Scheme for England and Wales which came into operation on October 6, 1933.

Many Departmental Committees are for all intents and purposes indistinguishable from Royal Commissions, their personnel and terms of reference being such that they might well have been given the formal prestige of the latter. Although this applies more closely to a Departmental Committee which is given compulsory powers to obtain evidence, it is still true of the Linlithgow Committee, as its terms of reference and personnel indicate. The latter was:

The Marquess of Linlithgow (Chairman).
Sir Basil Mayhew.
Mr. A. W. Ashby.
Mr. Ernest R. Debenham.
Dr. Charles M. Douglas.
Mr. Percy A. Hurd, M.P.
Mr. Rowland R. Robbins.
Mr. R. J. Thompson.
Mrs. Margaret Wintringham, M.P.

[1] *Departmental Committee on Distribution and Prices of Agricultural Produce, Interim and Final Reports, Minute of Appointment*, H.M. Stationery Office, 1924.

At the outset the Committee divided the subjects of investigation into the four categories of milk and milk products; fruit and vegetables; meat, poultry and eggs; and cereals and bread. The categories were examined in that order and an interim report presented upon each. A brief final report was issued in November 1923, setting out the Committee's general conclusions and recommendations. The five reports, like those of some other of the advisory bodies set up by the Ministry of Agriculture and Fisheries,[1] contain extensive and accurate information about the subjects with which the Committee dealt and have therefore an intrinsic value distinct from that of their recommendations. This value was so well recognized that in 1924 the reports were reissued in a single volume at the low price of three shillings and sixpence. They are still used as text-books in certain universities.

The report was signed by all the members of the Committee, with a reservation by Mr. Ashby, and some of its recommendations deserve notice for their anticipation of the Agricultural Marketing Acts. There is, for example, the statement that "the principle of collective bargaining as exemplified in the recent agreement between producers and distributors is sound, and should be maintained. The method of buying excess supplies on the basis of their potential value for manufacturing purposes is a feature of special importance."[2] Organization of producers on co-operative lines had, the Committee considered, been proved successful in Scotland and Wales and ought to be prosecuted in England. In their opinion "the essentials to success in the co-operative movement include competent and adequately paid management . . . loyalty among members on the basis of firm and legally enforceable contracts to supply milk for a fixed period; and the combination of societies into a federation."[3] Mr. Ashby's reservation was to the effect that he agreed with the recommendations but thought them to be of a minimum character. According to him "the key to the solution of the problems of economy in the distribution of milk and the development of the manufacture of milk products is to be found in the organization of the

[1] See in particular the Agricultural Tribunal of Investigation, Cmd. 1842 and 2002, 1923, and 2145, 1924.

[2] Cmd. 1854, 1923, p. 86.

[3] *Ibid.*, p. 88.

milk trade at the producers' end of the chain of distribution. . . ."[1]

In their second report the Committee stated that, while they realized that "British industry is acutely conscious of the disadvantages of control or interference by the State," yet "in most countries which export fruit or vegetables to Great Britain the sizes and contents of packages have been regularized by Statute, with the goodwill and acquiescence of the growers themselves." They were, therefore, "convinced that immediate reform is desirable if the home grower is to compete on level terms with producers in other lands," and "that the matter is one of so much importance that, failing internal reform, the advisability of legislative action should be considered."[2] These suggestions point the way to the provisions of the Agricultural Produce (Grading and Marking) Acts.

The third report recommended that, in order to prevent the fraudulent sale of imported fresh, chilled and frozen meat as home produced, it was "desirable that means should, if possible, be devised to mark effectively either the imported or the home-produced article, or both."[3] The terms of the Merchandise Marks Act and the Agricultural Produce (Grading and Marking) Acts were designed to satisfy this among other requirements of the industry.

The connection between the Agricultural Marketing Acts and the Committee on Stabilization of Agricultural Prices is slighter and less obvious but exists nevertheless. The Committee was appointed in 1924 by the Minister of Agriculture and Fisheries "to consider and report upon (1) the facts concerning the effect of changes in currency levels on prices of farm products in Great Britain, and (2) the causes of seasonal fluctuations of prices of such products; and to consider and report upon possible steps which might be taken by producers or by the State to stabilize such prices."[4] It was a small expert body consisting of Professor A. W. Ashby, then Research Officer at the Agricultural Economics Research Institute, Oxford, Mr. R. R. Enfield of the Ministry of Agriculture and Fisheries and Mr. E. M. H. Lloyd.

Because of the nature of the problems it was asked to solve,

[1] Cmd. 1854, 1923, p. 93.
[2] Cmd. 1892, 1923, p. 96.
[3] Cmd. 1927, 1923, p. 142.
[4] Economic Series, No. 2, p. 5.

this Committee and its report differed considerably from the personnel and reports of the Linlithgow Committee. Its work was on a plane at once more general and more abstruse and could have been undertaken only by a small group of experts such as it was. The two committees illustrate well how the composition of advisory bodies must be varied to meet particular needs: neither a representative body nor a body of persons impartial and acute but without specialized knowledge would have been likely to succeed in the task set the Stabilization Committee.

A unanimous report was presented in January 1925. It described in detail the co-operative movements in America and Denmark, the Australian Wheat Pools, the New Zealand Meat Producers' Board and other forms of marketing organizations which had already been undertaken with success. The Committee was very favourably impressed by those systems and its conclusions and recommendations were influenced by them. It has been stated in an earlier paragraph that the story of the Agricultural Marketing Acts goes back to causes anterior to and independent of the Linlithgow and Stabilization Committees: those causes were the American, Danish and Dominion marketing schemes mentioned here. They were among the earliest examples of the movement towards organized trading in agriculture, and the Linlithgow and Stabilization Committees' reports were primarily responsible for giving that impulse a definite direction and a concentrated force for Great Britain.

The Committee considered it "clear that no one remedy will serve to diminish or eliminate extreme changes in the prices of such widely different agricultural commodities, as for example, wheat, pigs, potatoes, eggs or hops; each must be dealt with according to its special requirements. Nevertheless, we think that the remedies in the main fall under the general heading of 'Collective' or 'Centralized' trading."[1] This statement is not only in harmony with the tone of the Linlithgow Committee's reports[2]

[1] Economic Series, No. 2, p. 7.

[2] The Linlithgow Committee had presented its final report only a short time previously, and the constant reference to it in the report of the Stabilization Committee indicates the extent of its influence. It should be noticed that Professor Ashby, a firm believer in agricultural co-operation, was a member of both committees.

but also anticipates the thought underlying the Agricultural Marketing Acts.

Other remarks in the report of the Stabilization Committee confirm the connection. The Committee thought that "the creation of 'surpluses' might itself, to a large extent, be eliminated, if the planting and lifting of crops (such, for example, as potatoes and other vegetables) were made a part of a centralized marketing system."[1] Although direct limitation of crop acreage was not adopted as a method of dealing with surpluses under the Marketing Schemes, the problem itself was realized by the framers of schemes and provisions calculated to solve it were included in them.

The first step which the Government took towards the improvement of agricultural marketing conditions after the Linlithgow and Stabilization Committees had reported, was the Merchandise Marks Act of 1926. It was not a purely agricultural Act but was intended to ensure that imported goods of any class or description should, if it seemed desirable, bear an indication of origin. Agricultural, horticultural and fishery produce were, however, given separate consideration, for, as the Linlithgow Committee had pointed out, such protection had become essential to agriculture at least.

The Act provided for the establishment of two standing Committees, one by the President of the Board of Trade and the other jointly by the Minister of Agriculture and Fisheries and the Secretaries of State for the Home Department and for Scotland. The Board of Trade Committee was to deal with all goods other than the produce of the agricultural, horticultural and fishing industries. Each Committee was to consist of three, four or five members. Tenure of office by members of the Committees was to depend upon the discretion of the Departments which had appointed them. Provision was also made by which no person directly interested in goods of any particular class or description should act as a member of a Committee charged with an inquiry concerning such goods.

The *Merchandise Marks Standing Committee* for agricultural and horticultural produce was appointed by the Minister of

[1] Economic Series, No. 2, p. 53.

Agriculture and Fisheries and the Secretaries of State for the Home Department and for Scotland in February 1927. The Committee possessed practical knowledge of the law and of accountancy and all its three members had wide experience of committee work.

The procedure of the Committee has followed the lines laid down in the Act. It has been concerned, not with the policy of the Act but with the task of reporting, after inquiry, whether a marking Order should or should not be made in any particular case.

Protection of the home producer against the fraudulent sale of imported as home-produced goods was an indispensable preliminary to the profitable reorganization of agricultural marketing in Great Britain and continues to be an invaluable contribution to the effort to make organized marketing a success. The Committee's task is one which can be much better performed by an impartial body external to the machinery of Government than by any Department, and the quality and size of its personnel have guaranteed sound judgment.

If the Merchandise Marks Act of 1926 was a necessary preliminary to the reorganization of agricultural marketing in Great Britain, the first measure of reorganization itself had to be (as the Linlithgow Committee had suggested) the establishment of a system of grading and marking for home-produced goods. Only after the institution of such a system could the provisions of the Merchandise Marks Act have their full value. The Ministry of Agriculture and Fisheries immediately undertook the requisite inquiries and it was possible to secure Royal assent to the Agricultural Produce (Grading and Marking) Act in the year 1928. Previously, as is stated in a memorandum issued by the Ministry under the title of *The National Mark*, "the foreigner who was sending to this country only the best of his produce, well graded and attractively packed under recognized trade marks, held a strong position in our wholesale markets. Home produce, though superior to imported supplies by reason of its freshness, quality and flavour, failed to retain its proper share of the home market because little attention was paid to grading and packing."[1]

[1] P. 1.

The Use of Advisory Bodies

The Agricultural Produce (Grading and Marking) Act of 1928 gave the Minister of Agriculture and Fisheries power to prescribe standards of quality for home-grown agricultural produce. In 1931 an Amendment Act extended those provisions to processed articles derived from home produce. "To facilitate the buying of these products, one mark, the *National Mark*, is being used and each product is the subject of a separate National Mark scheme. The schemes are voluntary but those who are authorized to apply the Mark to their produce must conform to certain regulations and requirements designed to maintain the reputation of the National Mark. So far as the consumer is concerned the important point is that the National Mark is a guarantee not only of home origin but of reliable quality."[1]

The administration of the Act rests, in the early stages, directly with the Ministry of Agriculture and Fisheries and, later, both with the Ministry and with certain committees appointed by it. After certain preliminary investigations a draft National Mark Scheme is submitted to the National Farmers' Union and appropriate Trade organizations and then goes forward for approval to a *Trade Advisory Committee*. This Committee is appointed by the Minister for the purpose of advising him and the National Mark Committee (also appointed by the Minister) on the technical and other matters relating to the standardization of the particular commodity. When the scheme has been approved a marketing leaflet is prepared and given wide distribution. In this leaflet are set out the conditions of authorization of packers, the method of packing and application of the Mark and the standard sizes or types of containers to be used when the National Mark is used.[2] Finally, the scheme is published in a Statutory Rule and Order under the Act.

The *National Mark Trade Committees* are non-statutory bodies appointed one for every commodity, or group of commodities, for which there is a National Mark Scheme. At the end of each season the operation of the schemes is renewed and, if amendment seems desirable, suggestions are submitted for consideration by the appropriate Trade Committee. If it approves them the scheme is amended accordingly. The membership ranges from

[1] *The National Mark*, p. 1.

[2] *Ibid.*, pp. 1–2.

six to seventeen and in any one Committee it consists of representatives of the interests affected by the Committee's work, together with, usually, an independent Chairman and one or more scientific experts.

The *National Mark Committee* itself was appointed on August 4, 1928, "to authorize the use of grade designation marks prescribed under the Act, and to revoke or suspend such authorization if and when necessary in individual cases.[1] In addition the Committee was also invited to keep under review the general working of the Act and to advise the Ministry from time to time of any changes in procedure which the Committee might consider desirable."[2] It has the further duty of hearing appeals for authorization to use the National Mark from persons whose applications have been rejected by the appropriate Trade Committee.

The Committee consists of three members and is very similar in quality to the Merchandise Marks Committee. It is a semi-judicial body mainly concerned with the trial of offenders against grading and marking regulations—a function, like that of the Merchandise Marks Committee, performed more appropriately by an independent body with expert knowledge than by a Minister or a Department.

The advisory bodies set up under the Agricultural Marketing Acts are the machinery devised to establish and assist the Marketing and Development Boards which form the main structure of the new organization of agricultural marketing. These bodies fall into two groups.

The first consists entirely of the Agricultural Marketing Reorganization Commissions—*ad hoc* bodies appointed to prepare marketing schemes and to investigate any matter affecting such a scheme, and in particular to inquire into the extent to which a scheme's operation might be facilitated both by co-operation between the Board administering it and other persons and by improvement in the conditions of processing and distributing

[1] These are generally cases of breach of the conditions of authorization. Supervision of schemes is provided by the Ministry's Marketing Officers, but any association which is authorized to use the National Mark is required to exercise a certain amount of local control over its members.

[2] Memorandum issued by the Ministry of Agriculture and Fisheries under the title of *National Mark Committee*.

the commodity with which the scheme deals. Each Commission, of which there have been seven appointed by the Ministry of Agriculture and Fisheries, consists of a Chairman and four other members and is concerned with a single commodity. The wisdom of limiting the size of advisory bodies, and especially of those at all concerned with policy, is illustrated by the reports of these Commissions. In spite of the complicated and delicate nature of their duties, only three failed to achieve complete unanimity and even there all the members signed the Report, one member adding a reservation in each case.

The extent to which the Ministry of Agriculture and Fisheries has acted upon the Commissions' recommendations has varied. The *Milk Commission for England and Wales* and the *Pigs and Pig Products Commission for Great Britain* were mainly responsible for the English Milk Marketing Scheme and the Pigs and Bacon Marketing Schemes for Great Britain. On the other hand, the recommendations of the *Milk Commission for Great Britain* and the *Fat Stock Commission for England and Wales* have not been carried out.

It is sometimes argued that if a Department of State appoints an advisory body such as a Reorganization Commission, it is more or less bound to take action upon that body's recommendations. The fact that the Department thought fit to appoint the body indicates that it felt that some action was required upon the problems involved, and such a body's report is likely to contain a number of recommendations upon which action may be taken without objection. Nevertheless, it cannot seriously be maintained that a Department should seek external advice only if it binds itself to accept it. A Department of State is inevitably influenced by political forces: the distinction, for example, between the temporary Minister and the permanent Department is fundamentally important, for the Minister knows that he is temporary and that, if he is to remain in office, and it may seem to him his duty to do so, he cannot always follow what he believes to be the right in preference to the popular course. It is not improbable that many Ministers come to office already committed for political reasons to lines of policy of which the permanent officials of their Departments may disapprove. There

may be occasions when the Department is responsible for permitting political influence to bring about the rejection of an advisory body's recommendations, but, equally, there may be occasions on which it cannot avoid doing so. Unfortunately, the independent observer is seldom able to distinguish between the different types of occasion, and the Department can scarcely be expected to inform him. Treasury control, however necessary, is another disabling influence.

The second group consists of seven permanent Committees, four of which—the Consumers' Committees and the Committees of Investigation for Great Britain and for England and Wales—work in conjunction. The Agricultural Marketing Act of 1931 was designed to give producers virtual control of the marketing of agricultural produce and it was clearly necessary, if only to steer the measure through Parliament, that it should contain some provision for the protection of the consumer. The Consumers' Committees and the Committees of Investigation were among the safeguards provided.

The purpose of the Consumers' Committees is to consider and report upon the effect of marketing schemes upon consumers and upon any complaints made to them by consumers. As a result of definitions in the Act it is not necessary for a complainant to show that he is a consumer of a product originating within the area of a marketing scheme; he need show only that he consumes the product, whatever its origin. On the other hand, the industrial consumer, who takes the product for manufacture, is excluded from the sphere of activity of the Consumers' Committees and must complain direct to the Minister for reference to a Committee of Investigation. The reports of the Consumers' Committees are made to the Minister and referred by him to the Committees of Investigation.

The Committees of Investigation were charged with the duty, if the Minister so directed, of considering and reporting to the Minister upon any report made by a Consumers' Committee or upon any complaint against the operation of a marketing scheme with which the Minister thought a Consumers' Committee could not deal. If a Committee were to report to the Minister that any persons or interests were unjustly treated by any provision of a

marketing scheme he might by order amend or revoke the scheme or direct the Board to rectify the matter.

Provision was made requiring the boards administering any scheme to submit to a Committee of either type such accounts and other information as the Committee might need for the performance of its duties, and at the same time entitling the boards to make representations to a Committee upon the occasion of an inquiry affecting them.

It is difficult to believe that the Consumers' Committees and the Committees of Investigation were seriously regarded as adequate public safeguards by those responsible for the Agricultural Marketing Act of 1931. They are capable of providing protection for consumer and distributor against flagrant injustices, and no more may have been intended. The more flagrant an injustice, however, the more likely it is to be rectified in any event; it is for the rectification of the more numerous but less sensational class of minor abuses that special provision is required.

The system upon which the Committees work is so cumbersome that even its creators can scarcely have thought it likely to provide the free medium for the expression of complaints and the rectification of abuses which was required. A consumer of a regulated product who feels that he has a just cause for complaint against the operation of a marketing scheme must first submit his objection to the appropriate Consumers' Committee. The Committee considers the complaint and reports upon it to the Minister who, in his turn, considers the Committee's report and refers it to the Committee of Investigation. The Committee of Investigation considers it and reports back upon it to the Minister. Should the Committee of Investigation support the objection the Minister may then, if he thinks fit, make an Order to rectify the abuse complained of. It is possible to imagine a more rapid and less complicated means of correcting abuses, and it is no matter for wonder that the Consumers' Committee and the Committees of Investigation have been of limited value.

Two of the three other Committees in this group are the Agricultural Marketing Facilities Committees for Great Britain and for England and Wales. The duties of the Committees were to consider and recommend upon the making and renewal of

loans to Marketing Boards out of the Agricultural Marketing Funds. The Committee for England and Wales was restricted to considering loans from the English Fund to boards administering schemes applicable only to England and Wales, and the Committee for Great Britain was to deal with the question of loans from both the English and the Scottish Funds to boards administering schemes applicable to Great Britain.

Neither of the Committees has met for some time and all the loans from the Marketing Funds were made to meet some need in the early working of the schemes.

The seventh Committee of the present group is the Market Supply Committee. The genesis of the Committee is, in the words of Lord Harlech (then Mr. Ormsby-Gore), "to be found on page 24 of the Lane Fox Pig Report.[1] There, after going very carefully into the scope of the machinery of the quota, they make it quite clear that they came to the conclusion that what they called quota determination should be in the hands of an independent and non-representative body, judicial in character. This they called the Quota Advisory Committee, and that was an essential part of the structure of their scheme. Quite frankly, His Majesty's Government have accepted the proposition, but not the name."[2]

The Committee is charged with the duty of reviewing "generally the circumstances affecting the supply of agricultural products in the United Kingdom" and recommending "any steps which ought, in the opinion of the Committee, to be taken for regulating that supply."[3] The appropriate Minister was instructed to consult the Committee before issuing an Order regulating the sales of home-produced agricultural commodities. The Sea Fishing Industry Act of 1933 further charged the Committee to advise the appropriate Ministers on matters relating to the supply of sea fish in the United Kingdom. "The Market Supply Committee's functions in connection with the regulation of imports are somewhat analogous to those of the Import Duties Advisory Committee in connection with the imposition and operation of tariffs.

[1] Agricultural Marketing Reorganization Commission for Pigs and Pig Products for Great Britain. [2] *H. of C. Debates*, vol. 276, col. 678.
[3] Agricultural Marketing Act of 1933, Section 3 (2).

It is an impartial body making recommendations to the Ministers based on statistical evidence collected by its staff, after hearing the views of producers, importers and consumers. It is brought into consultation when the imposition of quantitative regulation is under consideration and it recommends from time to time how that regulation should be applied."[1]

The Committee's activities have been restricted both by direct Government action and by voluntary international agreements about import regulation. The Ottawa Agreements, on the one hand, lay down definite programmes for the importation from foreign countries of mutton, lamb and beef, with the result that those important commodities are outside the scope of the Committee. On the other hand, since the Committee's appointment there has been a tendency to avoid compulsory regulation where the countries concerned could be induced to regulate voluntarily. In 1937, for example, an International Beef Conference was established, consisting of persons nominated by the Governments participating in the scheme, to represent the interests of producers. It recommends the total quantities of the various classes of beef to be exported periodically to the United Kingdom and the proportions of those totals to be exported from each country. This organization, the Empire Fruits Council and others have still further restricted the Committee's activities. Finally, in the absence of a marketing scheme for any commodity (there is none for eggs or poultry), the Committee is not called upon to act at all.

Valuable work is done by its permanent staff but the Committee itself exists mainly to enable the staff to continue at work and to check its findings.

The whole network of advisory bodies under the Marketing Acts shows that, although it may sometimes seem desirable to create a complex and closely integrated advisory service, the actual progress of events is liable so to modify the structure that the standing advisory bodies created as part of it lose much of their usefulness but must yet, by reason of the statute, be kept in existence. The permanent statutory advisory body is much

[1] Memorandum issued by the Ministry of Agriculture and Fisheries under the title of *The Functions of the Market Supply Committee*, p. 2.

more likely to prove satisfactory if it works in a sphere of its own, as do the Merchandise Marks Committee and the National Marks Committee, than if it forms one cog in some delicate and therefore easily disturbed piece of administrative machinery. Given such a chance and freed from any responsibility for policy determination, it may be of considerable value.

VI. *AD HOC* TECHNICAL ADVISORY BODIES

So far all the advisory bodies to the Ministry of Agriculture upon which this study has touched either have been concerned with policy determination or have themselves been the means of giving effect to predetermined policies. Nothing has as yet been said of technical advisory bodies properly so-called.

There is an *a priori* probability that of all the many types of advisory body which a Department can employ the purely technical body is most likely to carry out successfully the task before it. That has in fact been the experience of the Ministry of Agriculture and Fisheries. Indeed, all the advisory bodies appointed by the Ministry might be set in a scale graduating from success to failure with the purely technical bodies at one limit and the bodies concerned only with the determination of policy at the other. There would be exceptions but the truth of the general rule is overwhelmingly clear.

The technical advisory body suffers from few of the lets and hindrances of personal prejudice, of sectional interest and of political bias by which bodies concerned with policy are inevitably beset. It is seldom forced to work under the shadow cast by a reluctant Treasury or in the dazzle of constant and often misdirected Parliamentary criticism, and its task is rarely complicated by divergence between its own views and pre-determined opinion within the Department.

In general the scene is set for its activities when the Ministry of Agriculture and Fisheries either finds itself face to face with a technical problem which its own staff is insufficiently expert or has not the leisure to solve or when it feels that its own solution is not necessarily the best and should be confirmed or corrected by independent experts. In either case the Committee appointed

will usually be given a quite explicit problem and left at liberty to study it and to come freely to its own conclusions upon it. Technical experts are not less likely than ordinary mortals to disagree upon any specific subject but it is easier for them than for those who deal with policy to compromise, partly because the points at issue for them are nearly always more clearly defined and susceptible of a smaller variety of treatment, and partly because they are experts. There are no experts on policy.

Successful advisory bodies are less open to comment than the failures and, as the Ministry of Agriculture and Fisheries' technical bodies have generally been straightforward and successful, all that is now needed is some indication of the different types of technical advisory body of which it has made use. If distinctions of sufficient subtlety were drawn it might be possible to set every such body as the single member of a separate group, but a few more comprehensive groupings will satisfy the demands of this inquiry.

These bodies may first be divided into two main classes as *ad hoc* or permanent and each of the two may be sub-divided according to whether the subjects investigated can be broadly described as scientific or economic.

The further sub-divisions which can be defined within the scientific *ad hoc* group may be arranged in an order based upon the variations of subject matter, ranging from the more purely scientific to the technicalities of practice. This order will also be found to be a gradation from inquiries directly interesting the Department rather than the general public to those more and more in the public eye and immediately affecting larger sections of the community.

At the scientific end there is, for example, the *Commission of Inquiry on the De Vecchis Beet Sugar Process*, a Committee consisting of a late Chief Superintendent of H.M. Ordnance Factories, Woolwich, the Advisory Chemist of the South-Eastern Agricultural College, Wye, and the Director of the Agricultural Engineering Research Institute, Oxford. It was appointed in 1924 and, after scientific investigations and experiments, reported its conclusions to the Ministry the following year.

At one remove towards the practical end may be set the series

of Committees on Agricultural Machinery appointed between 1919 and 1925. They demonstrate well how, once it has been decided to employ the machinery of advisory bodies, the recommendations of one may lead to the creation of another. The first was a *Departmental Committee on Agricultural Machinery* appointed in 1919 "to arrange for the testing, adaptation and improvement of machines likely to prove of value to agriculture. . . ."[1] It was as a direct result of one of its recommendations that in 1921 the Ministry appointed an *Advisory Committee on Testing of Agricultural Machinery* to prepare a scheme for such tests. The ease and efficiency attainable by a technical committee and denied to those concerned with policy is shown by the fact that, although this Committee consisted of twenty-nine members, the report was unanimous, with only four quite unimportant reservations. In consequence of one of its recommendations a *Committee on the Testing of Agricultural Machinery* was appointed in 1924 to formulate a detailed scheme for individual tests of agricultural machinery and, finally, as part of the scheme it proposed, the Ministry set up in 1925 a permanent *Agricultural Machinery Testing Committee.* The movement out of the realm of pure science towards that of practical agriculture is made noticeable by the fact that one of the four members of this Committee was a prominent member of the National Farmers' Union.

The next stage is the investigation of matters of practical technique, as when a *Technical Committee on Abattoir Design,* appointed in 1933, set out "to consider and report on the technical requirements as regards output, structure, layout and equipment of factory abattoirs in the light of modern practice at home and abroad in the processing and handling of meats, offal and by-products."[2]

The penultimate group on this graduated scale is the inquiry into technical questions of practical importance which affect large sections of the community. An example of such an inquiry is that carried out by the *Poultry Technical Committee of Great Britain,* set up in 1935 at the instance of the Poultry Reorganization Commission for England and Wales to recommend improve-

[1] Cmd. 506, 1920.
[2] Ministry of Agriculture and Fisheries' Economic Series, No. 40.

ments in the methods of supplying and distributing hatching eggs, day-old chicks and breeding stock. The Committee was composed partly of poultry experts and partly of practical farmers, and in the course of its investigations visited over one hundred and fifty representative poultry farmers and inspected the operations of nearly two hundred distributors.

Ultimately there are the advisory bodies appointed to advise the Ministry on problems arising unforeseen and demanding immediate solution. In 1922, for instance, a *Departmental Committee on Foot and Mouth Disease* was appointed "to inquire into the origin and circumstances of the recent outbreak of Foot and Mouth Disease and into the policy and procedure which was pursued in dealing with the disease and to report whether any alteration of the methods of administrative control hitherto adopted or any amendment of the existing law is necessary or desirable."[1] In general the Ministry of Agriculture and Fisheries has given full attention to the findings of its technical advisory bodies and has taken action upon them whenever it was reasonably possible to do so, but this Committee was an exception. When, after another outbreak, a second *Departmental Committee on Foot and Mouth Disease* was appointed in 1924, its report regretted that many of the recommendations of the previous Committee had received little attention and stated that their adoption would greatly have curtailed the outbreak of 1924.

The group of economic *ad hoc* technical advisory bodies consists of two main classes, the first concerned with pure and the second with practical economics. The first class may be exemplified by reference to the *Advisory Committee on a New Index Number for Agricultural Prices* appointed in 1938. Working on the basis of a memorandum prepared by the Ministry's own economists it completed its work in a few weeks and the new index number which it proposed was accepted by the Department.

Very seldom can any advantage be gained by making a technical advisory body representative, but this was one of those rare occasions. The proposal nearly affected several Departments of State and all sections of the farming community and it therefore seemed wise to bring those interests into direct contact with the

[1] Cmd. 1784, 1922.

Committee's work by giving it a representative composition. The Ministry of Agriculture and Fisheries had three representatives, the Department of Agriculture for Scotland one, the Ministry of Agriculture for Northern Ireland one, the Board of Trade one, the National Farmers' Union two, the National Union of Agricultural Workers one and the Agricultural Workers Section of the Transport and General Workers' Union one. Professors A. W. Ashby and A. L. Bowley were appointed as independent experts.

An instance of the second class of this group is the *Departmental Committee on the Reconstruction of the Royal Veterinary College*, set up in 1928 to consider and report upon, among other matters, the probable cost of the reconstruction required. Its concern was thus with practical finance and as a result of its recommendations a new and modern building was erected and equipped, the Treasury bearing 50 per cent of the cost. Indeed, the aim of the Ministry in appointing the Committee was much more to obtain independent backing for an assault upon the Treasury than to acquire the information which its terms of reference required the Committee to provide.

VII. PERMANENT TECHNICAL ADVISORY BODIES

The permanent technical advisory bodies to the Ministry of Agriculture and Fisheries can be sub-divided into the same two categories of scientific and economic as were the *ad hoc*, and the classification within those categories will also be much the same.

Most of the bodies in the first category have been committees engaged on long-term research. An *Electro-Culture Committee*, for example, was appointed in 1918 to experiment in the construction and use of apparatus suitable for the culture of plants by electricity. It presented annual reports upon its findings for eighteen years until in 1937 it finally concluded that, although the electro-culture effect was a real one, there would be little advantage on scientific or economic grounds in continuing the work.

It is unnecessary to multiply instances to show that the graduation from the realm of pure science to that of practical technique

already evinced by the *ad hoc* group of advisory bodies is to be found also in the permanent.

Among the permanent economic technical advisory bodies there appears to be none concerned with pure economics. On the other hand, many have been wholly or partly engaged in advising the Ministry on practical matters of economics and finance. Such is the whole duty of (among others) the Agricultural Marketing Facilities Committees, to which reference was made in a previous section, the main duty of the Development Commission and one of the duties of the Agricultural Research Council.

VIII. THE DEVELOPMENT COMMISSION AND THE AGRICULTURAL RESEARCH COUNCIL

The *Development Commission* and the *Agricultural Research Council* are bodies of unique interest and importance and require individual attention although, strictly, neither falls within the terms of reference of this study.

The Development Commission was set up under the Development and Road Improvement Funds Acts of 1909 and 1910. It consists of eight members appointed by Royal Warrant, one of whom, the Vice-chairman, is salaried and permanent. The terms of reference of the Commission are to apportion, subject to Treasury approval, a fund provided for the purpose of aiding and developing agriculture and rural industries, reclaiming and draining land, constructing and improving harbours, developing and improving fisheries and promoting any kindred activities calculated to further the economic development of Great Britain.[1] It is "an independent quasi-judicial body constituted as a Royal Commission, not responsible to any Minister and to that extent insusceptible to political pressure."[2]

Although the Commission is essentially an advisory body to the Treasury it has always been intimately related to the Ministry of Agriculture and Fisheries and its most important service has been the promotion of agricultural research. "At the beginning of the century, save for the work in progress at Rothamsted . . . agricultural investigation may be said to have been almost non-

[1] Originally, the United Kingdom. [2] Tenth Report, 1920, p. 2.

existent in this country, and . . . it is through the Development Fund that it has been supported."[1] Hardly less important have been its activities in the framing and support of practical undertakings, in which it concentrated rather on encouraging fresh expenditure on profitable schemes than in relieving expenditure already undertaken.

Applications for grants or loans are first submitted to the Treasury and referred from there to the Government Department concerned, which forwards them with a report to the Commissioners. When the applicant is a Government Department the application is sent to the Treasury and thence remitted direct to the Commissioners. They consider every application and report upon it to the Treasury which may veto the Commissioners' recommendations but cannot without such a recommendation make any advance from the Fund. The bodies entitled to receive advances are Government Departments, Public Authorities, Universities, Colleges, Schools, Institutions and Organizations or Companies not trading for profit. The Agricultural Research Council has since its establishment in 1931 acted as scientific adviser to the Commission, and the two bodies share the same offices and permanent staff.

The Commission has no executive powers and once a grant has been recommended the responsibility of the Commission is technically at an end. As, however, most grants are recurrent and as the Commission can attach conditions to the advances it recommends, it can in fact control expenditure and exert a directing influence over the administration of those advances.

The Agricultural Research Council was appointed by Royal Charter in 1931 and acts under the direction of a Committee of the Privy Council entitled the *Committee for the Organization and Development of Agricultural Research*. This Committee is responsible for new appointments to the Council, whose membership is limited to not less than twelve and not more than fifteen persons.

The Council has executive powers and both may and does carry out research work with its own staff; it may receive and dispose of money, including sums voted by Parliament, and it may acquire land or buildings either by gift or purchase; but

[1] Twenty-second Report, 1932, p. 12.

perhaps its most important functions are those of advising the Development Commission and the various Departments of Agriculture upon all expenditure on agricultural research and of directing and supervising that research.

It has suffered from disadvantages from which its sister organizations, the *Medical Research Council* and the *Department of Scientific and Industrial Research,* have been free. They had a clear field in which to work from the outset; when the Agricultural Research Council was established research was already Departmental and supported by State funds. This has resulted in some friction and duplication of effort between the Council and the Ministry of Agriculture and Fisheries but, as a complete break with the Ministry would almost certainly increase both friction and duplication, the dual method is probably justified until a radical reorganization can be achieved.

The Development Commission and the Agricultural Research Council are already tending to coalesce and the agricultural functions of the Commission are gradually passing over for all practical purposes to the Council. This merger should be accelerated and the Commission dissolved. As the second Director of the Agricultural Engineering Research Institute, Oxford, wrote in a letter to *The Times* on February 4, 1938, "Surely the time has come when the Agricultural Research Council should emulate its overwhelmingly successful congener, the Department of Scientific and Industrial Research, and assume a full and direct responsibility for all subsidized agricultural institutes." There is an unnecessary complexity in the provision for and the administration and supervision of agricultural development and research, and it is clear that at least one of the three main bodies involved should be relieved of its duties in this direction. No one would have the temerity to suggest that that body should be the Ministry of Agriculture and Fisheries and therefore, in view of present circumstances, the lot must fall upon the Development Commission. The opportunity might then be taken to reconstitute the Agricultural Research Council and integrate its work more satisfactorily with that of the Ministry.[1]

[1] For a more detailed examination of this question and confirmation of the view expressed above, see *Report on Agricultural Research in Great Britain, 1938,* Political and Economic Planning.

by the Ministry of Agriculture and Fisheries

IX. ROYAL COMMISSIONS IN AGRICULTURE

Royal Commissions are sharply to be distinguished from other advisory bodies in that they are not subordinate to any Department of State, although some particular Department is almost always responsible for suggesting their appointment and directly interested in the subject of their inquiries. Other advisory bodies are appointed by Ministers of State; Royal Commissions are appointed by the Crown. "When properly constituted a Commission is upon a formal equality with the other institutions of the state, such as the Courts, Houses of Parliament, Privy Council, etc."[1] The most common form of appointment in modern times is a Royal Warrant issued through the Home Office.

There are two main general purposes for which Royal Commissions of inquiry into agricultural affairs have been ostensibly appointed—research into social or economic conditions and preparation for legislation. The distinction is between problems in which there is inadequate knowledge of existing conditions and therefore no basis upon which to consider even the initial desirability of legislation, and problems in which conditions are adequately known and legislation is seen to be desirable but the lines it should follow require investigation. Although distinct, these purposes are more often than not associated; for it is likely that a body set up to carry out research into social or economic conditions should be led to recommend legislative reforms and that a body set up to prepare for legislation should have to undertake research into social or economic conditions. In some cases a Commission is appointed with both ends in view, and the emphasis of its duties more or less evenly divided between them—if, for example, any solution to a problem necessarily involves legislation and at the same time there is inadequate information about existing conditions.

Of the five Royal Commissions set up since 1919 to deal with agricultural questions, two were primarily concerned with research into social or economic conditions. The brief unhappy history of the first, the *Royal Commission on the Economic Prospects of the*

[1] *Royal Commissions of Inquiry*, by H. M. Clokie and J. W. Robinson, Stanford University Press, 1937, p. 151.

Agricultural Industry in Great Britain, has already been given. It was involved in the consideration of legislation by having to advise the Government *inter alia* as to whether it should continue to guarantee the price of corn. The majority recommendation in favour of a continued guarantee was at first adopted and was incorporated in the Agricultural Bill of 1920. Financial stringency, however, induced a change of view in the Government and the Agricultural Act of that year contained no such provision.

The second, the *Royal Commission on Food Prices*, was appointed in November 1924, as a result of an election pledge by the Conservative Party. Its terms of reference were so nearly identical with those of the Linlithgow Committee, which had presented a comprehensive report just a year before, that its appointment cannot have been due to a genuine desire for its advice. In addition to the uses already described, Royal Commissions may be and sometimes are set up for their publicity value as evidence of official activity or as a means of pacifying or combating politically powerful interests, of postponing consideration of problems distasteful to a Department, of arousing public interest in questions by which the mind of the Government is exercised, of paving the way for a policy which the Government is anxious to introduce, of anticipating public criticism or political pressure, or, as in this case, of redeeming a pledge given for reasons of party politics rather than national policy.

The history of this Commission is no happier than that of the last. Like its predecessor it intended to publish a series of reports, but in fact ceased to function after the issue of the first. That report was itself a patchwork, consisting of a Majority Report signed by fourteen members (of whom two added reservations, a third some notes, and a fourth a reservation and an additional recommendation), and two Minority Reports each signed by one member. Difference of political opinion was responsible for the Commision's failure to agree; one member, for example, expressed regret that the majority should have objected to State trading while another insisted that there should be no interference with the system of competitive private enterprise.

The *Royal Commission on Tithe Rentcharge in England and*

Wales is an instance of a Commission appointed both to carry out research and to make preparations for legislation. The trouble which had for a generation been brewing over the question of tithe rentcharge came to a head as a result of the economic depression of 1931. Until 1934 the Government would not take action but, having already in that year refused either to receive a deputation or to set up a Commission upon the matter, it was finally forced to capitulate by the universal opposition to a compromise Bill which it had introduced and in June this Commission was appointed.

It investigated the complicated situation then obtaining and in December 1935 submitted a plan of reform. "The Government found itself in the peculiar position of being unable either to accept the recommendations of the Commission or to offer a substitute plan. For three months, an unprecedented period, the Ministry delayed both publication of the report and a statement of its intentions. Finally . . . both the report and the Government white paper were issued; and the Ministry introduced legislation to give effect to a variation of the settlement suggested by the Commission, a settlement which was finally carried through Parliament with amendment, though disapproved by nearly all parties to the controversy."[1]

The two Royal Commissions whose primary function was to prepare for legislation were much more successful than the other three. The earlier of the two, the *Royal Commission on the Importation of Store Cattle*, is an illustration of the true strength of a well-chosen Royal Commission.

Since 1896 no importation of store cattle had been permitted, but in 1917 the President of the Board of Agriculture and Fisheries promised at the Imperial War Conference that the embargo would be removed from Canadian stores as soon as possible after the end of the War. In 1921, to quote the Prime Minister, Mr. David Lloyd George, "It was decided to refer the whole question to a perfectly impartial Royal Commission, a Commission which would be impartial in the sense that it would have no

[1] Clokie and Robinson, p. 137. The report of a Royal Commission must be formally presented to the King, at whose command it is then laid before Parliament. Suppression is therefore impossible.

interest represented on it. . . . We felt that if we had a Commission which represented interests we should only have a Report . . . the findings of which would merely represent the interests involved, and that there would be no guidance for us from the general point of view."[1]

The Commission was a small one composed of five eminent men with wide legal knowledge and advisory experience, qualifications which proved invaluable in a body whose work consisted mainly in examining evidence and in hearing the addresses of Counsel.[2]

In August 1922 the Commission unanimously recommended the removal of the embargo on Canadian stores. There was an immediate and vehement outcry against this recommendation from the English and Welsh farming community (the Scottish Chamber of Agriculture had already given its support to the proposal) and the Minister of Agriculture and Fisheries not only stated in the House of Commons on February 9, 1922, that after careful consideration the Government had decided not to introduce legislation to give effect to the recommendation but on May 18th assured the Council of Agriculture for England that "he would speak and vote and do his utmost to defeat the resolution in favour of removing the embargo when it came before the House of Commons."[3] In spite of this formidable opposition both Houses of Parliament decided in July that the embargo should be removed and on December 15th that decision was given effect in the Importation of Animals Act, 1922.

The other Royal Commission in this group is the *Royal Commission on Land Drainage*. It was appointed in 1927 to consider the existing drainage laws in England and Wales and to recommend any amendment which appeared to be necessary. There could be no doubt that legislative reform of some kind was essential to the creation of an effective arterial drainage system. The work of the Commission, which reported in 1928, led directly to the Land Drainage Act of 1930.

[1] At the Conference of Prime Ministers and Representatives of the United Kingdom, the Dominions, and India on July 29, 1921. See Cmd. 1722, 1922.

[2] The members were Viscount Finlay (Chairman), Lord Askwith, Sir Algernon Freeman Firth, Sir Arthur Everett Shipley and Sir William Henry Peat.

[3] *Journal of the Ministry of Agriculture*, vol. xxix, p. 253.

The experience of the Ministry of Agriculture and Fisheries in the use of Royal Commissions emphasizes the general truth that the probability of a practical outcome to the work of an advisory body is proportionate to the extent to which the questions it is asked to consider are concrete and specific. The more general and indefinite its terms of reference the less likely a Commission is either to achieve a sound consensus of opinion or to make recommendations upon which the Department concerned can act with confidence.

X. RETROSPECT, 1939

The forces which impelled the Ministry of Agriculture and Fisheries to make such extensive use of advisory bodies have already been described. A synoptic view of those bodies suggests that once the practice had become established the Ministry grew from pure habit more prone to indulge in it than was either profitable or politic, and frequently appointed advisory bodies to consider matters unsuited to or insufficiently important for treatment of that nature. Lack of discrimination in the employment of advisory bodies has progressively diminished their influence upon public opinion.

This is particularly true of the bodies concerned with policy, few of which have submitted reports which the Ministry was able to adopt with any enthusiasm. Sailing for two decades waters which are always troubled and were then invariably stormy, between the reefs Governmental indifference and an increasingly irate farming community, the Ministry has had no clear idea either of its destination or its course. It was therefore initially probable that any body advising on agricultural policy would fail to satisfy the Ministry's uncertain needs, and an additional complication arises from the fact that in few realms of policy are so many divergent views so strongly held as in that of agriculture.

The general conclusion which emerges from these pages is that the determination of policy is a function which can properly be performed only by the Ministry itself, advised individually by persons or organizations from outside the machinery of Government. It is not a function which can profitably be delegated to a

formal and public advisory body. The successful advisory body to the Ministry of Agriculture and Fisheries has nearly always been a technical body of one of the types already mentioned.

Apart from the ostensible purposes for which advisory bodies have been appointed by the Ministry—and in most instances they are identical with the real purposes—they have been employed mainly to pave the way for predetermined action or to anticipate public pressure. There seem to be few examples of a body appointed to postpone consideration of a distasteful problem.

It is clear that in the constitution of any single advisory body the title attached to it has meant little and that the relevant questions of importance have been whether it was representative or not, whether it was statutory or not and whether it was large or small. The available evidence demonstrates conclusively that only under rare and special circumstances has it been profitable to make an advisory body either representative or statutory, and that still more rarely was it beneficial to raise the membership above the minimum.

A certain number of names constantly recur in the personnel of the Ministry's advisory bodies. In technical bodies that indicates no more than the existence of some indispensable experts, but in bodies concerned with policy it suggests a leaven of persons with views known to and approved by the Department who may be relied upon if need be to sway their colleagues in the right direction.

For the purposes of this study a line has been drawn more heavily than any real distinction justified between bodies of a purely advisory character set up by the Ministry of Agriculture and Fisheries and the great mass of persons and organizations wholly independent of the Ministry which also assist it with advice from outside the machine. The latter have been ignored but what has been said of the former may be enough to provide a *speculum mentis* of the Ministry in its attitude to external advice.

PART III

CONCLUSION

by R. V. VERNON

The Research Group which undertook the study, the results of which are contained in this volume, did not set before itself anything in the nature of a systematic Questionnaire, and there have been wide differences in the method and scale of treatment which individual contributors have adopted. No attempt could, therefore, usefully be made to set out conclusions in the shape of precise answers to specific questions. But the various papers here collected deal with the application in different fields of a single device, the employment by the central Government in the task of administration of advice from persons who have no direct responsibility for the administrative tasks of the department concerned. From a study of the results certain general conclusions can be drawn of which a conspectus may be attempted.

Regard must be had to the fact that the field of survey had necessarily to be restricted if the inquiry was to be kept within reasonable limits; and that the outbreak of War imposed further restrictions (especially upon the assistance which could be sought from the staff of Government departments), which could only be accepted as inevitable. Wider inquiry might have entailed qualification of the opinions at which we have arrived.

A broad distinction may be drawn between those advisory bodies on the one hand which are appointed as an adjunct to administration and form consequently a part of the machinery of government (though possibly only an auxiliary part), remaining in permanent operation; and those on the other hand which are appointed for a limited and definite purpose, usually either the drafting of proposals for legislation or the investigation of a specific problem, the facts of which are imperfectly known or the consequences of which are imperfectly understood.

At the head of the first category may be placed, perhaps, the standing advisory councils or committees which have been estab-

lished from time to time—and allowed from time to time to subside into inactivity—to guide the general conduct of policy by particular departments. Of such bodies examples are afforded by the Board of Education, the Ministry of Health, the Board of Trade, the Department of Scientific and Industrial Research (which we have not made the subject of a special study), and other departments. Broadly speaking they must be judged to have proved ineffective, but there are exceptions of which the Board of Education's Consultative Committee furnishes the outstanding example.

A council with "general advisory functions" is apt to develop (or to degenerate) into a council which receives reports and accepts them—which acts for the most part *ex post facto* and finds that there is little which it can usefully do. It conducts inquests rather than inquiries. In framing reference for legal advice it is customary to invite counsel to answer specific questions and also to "advise generally," and the latter part of the invitation seldom elicits anything of value. Similarly an advisory body seldom responds with alacrity or intelligence to a general request for advice. Advice must be solicited more or less in the form of an examination paper. To make a comparison from another sphere of life, the most profitable approach to such a body is like that of a penitent to a confessor. The more precise the admission of shortcoming and the formulation of difficulties experienced, the more useful the counsel that may be offered and the more salutary the penance that may be imposed. From this it seems to follow that the standing advisory body with a very wide ambit of competence is upon the whole an unprofitable member.

But also within the first category fall the much more numerous advisory bodies which are in continuous existence, and also in continuous operation. They give their advice from day to day, observe its operation and are able to, and expected to, judge its consequences. Very wide use of such bodies is made by the Ministry of Labour and also by its near relation the Unemployment Assistance Board.[1] They fulfil the general purpose of keeping

[1] The Board is now entitled "The Assistance Board" in view of the extension of its functions to cover assistance to the dependents of members of the armed forces and to old-age pensioners.

official practice in close touch with public opinion and preventing the evolution of a departmental world which is out of relation to the facts of real life. They help the official to understand the feelings (not excluding the prejudices) of the public, and the public to appreciate the restrictions (not all of them self-imposed) to which the official is subject. They are a necessary, and an effective, lubricant.

To bring together the advocates of extreme doctrines is often merely to intensify their opposition; but to associate with them in discussion persons who are not concerned with doctrine but with practical tasks of administration is sometimes a means of winning consent to some sacrifice of doctrine for the sake of performance. It is possible for the official to show some understanding of the bias in either direction, from which he can claim freedom by reason not of any superiority of intelligence but of his actual disinterestedness. He will learn also that there are expedients irresistibly sound in theory which must be rejected because they are inseparably associated, by one or other of the opposing sides, with some historic controversy or some time-honoured watchword. The opposition to a "means test" is far more a matter of instinct and sentiment than of argument. The official sitting in his office may see nothing against it. The official sitting in council with labour representatives will not take long to learn the obstacles in the way and will set to work to find a way round. The employer will learn that it is not mere pig-headedness which leads departments to question proposals for the "dilution of labour" which strike him as obvious and straightforward. He will realize that they have no ends of self-interest to promote, that if they are hesitant it is because they have to satisfy or convert representatives of classes and schools of thought in whom the mere word "dilution" evokes suspicion and hostility; and if he is wise, he will himself seek to find concessions and safeguards which he can offer as an inducement to accept distasteful proposals. This kind of co-operative association in which all three parties—if we can regard as a party the official section which serves rather as a go-between—find that they have something to give as well as to receive, is the most powerful instrument that can be found to clear away either intransigent or doctrinaire mentality.

The Use of Advisory Bodies

It is not only the "social service" departments which find continuously operative advisory committees of value. The Board of Trade, the Ministry of Agriculture and Fisheries and the Department of Mines might perhaps be classified together as "business" departments, all of them concerned, in varying degrees and from different aspects, with questions of profit and loss. The usefulness to such departments of advisory bodies lies largely in the opportunity which they afford of keeping in touch with "interests"; and the advice which is sought from them has generally more concern with the determination of policy, as distinct from its methods of application, than is the case with the "social service" departments. The principal economic interests in the country are for the most part highly organized into bodies which may claim to be fully representative, in some cases of particular areas, in others of particular industries; and it is of course possible to enter into direct communication with such bodies when it is desired to take administrative action by which they will be affected. Chambers of Commerce (which are found to carry very varying degrees of authority), Chambers of Shipping, the National Union of Manufacturers, the Federation of British Industries, the National Farmers' Union, the Society of Motor Manufacturers and Traders, afford examples from a list which might be almost indefinitely extended. But it is often found much more profitable to sit in council with persons selected to speak for such organizations than to elicit from them by correspondence formulated professions of faith—or of the want of it—in particular lines of policy or methods of control. *Littera scripta manet*, and may prove embarrassing in its persistence. In the give and take of discussion round a table, difficulties may be removed, misunderstandings eliminated, objections brought to light, compromises suggested and finally a *modus vivendi* reached where correspondence, too often calculated to crystallize controversial tendencies, would only have led to a deadlock.

In committees formed to consider such questions as are here contemplated there will probably be some organization into "groups," but sharp differentiation into "sides" should as far as possible be avoided. Where discussion proceeds by way of conversation rather than of set debate, there is no great difficulty in

this. The personality of the chairman, who is normally an officer of the interested department—preferably, perhaps, a minister—must be the determining factor. Members must be recognized as representatives of particular interests, but they should have a free hand; they should not be subject to control from day to day, by constituents to whom they are ultimately responsible. Sir Horace Wilson emphasized the growth of this practice, and instanced the subservience of Trade Union members of committees to the Trade Union Congress as an embarrassing example.

Our second main category was taken to comprise committees "appointed for a limited and definite purpose, usually either the drafting of proposals for legislation or the investigation of a specific problem." It goes almost without saying that when a purpose is limited and definite it should be clearly and precisely stated. There should be no room for doubt as to the exact task with which a committee is entrusted. A roving commission to look into a matter of interest represents the exact antithesis of what terms of reference should be. A committee charged with such functions will generally produce majority and minority reports, will leave the public (and very likely the Government too) with an impression that "there is a great deal to be said on both sides"—perhaps on more than two sides—will indefinitely postpone decisive action, and will discourage citizens with avocations and responsibilities of their own from lending their services in future to enterprises so unproductive of results. The framing of proposals for legislation is a very definite purpose and there are notable examples of the successful fulfilment of such a purpose by committees. Mention may be made in particular of the Local Government and Public Health Committee of 1930 which successfully completed the framework of two important amending and consolidating bills which have since become law. In all such cases, the definite purpose ought to be clearly reflected in the form of the report. The drafting of statutes is a highly specialized art or craft—it might almost be termed a mystery—in which the assistance of the uninitiated is not welcomed by parliamentary counsel. But the changes in the law which it is desired to recommend ought to be set forth precisely in plain English to be translated later by the experts into statutory terminology.

The second definite purpose which we suggested as a suitable task for an advisory committee was the investigation of a specific problem, and here it must be admitted that the precise definition of the task imposed is more difficult and may even be undesirable. There are subjects of first-rate importance on which public opinion is still unformed largely because it is uninformed. They call for ventilation and investigation, in order that the facts may be established and become widely known, and that the real issues involved may be set forth and understood. It may be too early to look for a determination of policy because, before a policy can be determined, it must be possible to gauge the reactions of public sentiment to the disclosure of facts and tendencies not previously realized, and the preferment of expedients and solutions not previously suggested, or at any rate not actively canvassed. The pressure of actual day-to-day work upon ministers and public departments is now so insistent that those charged with actual tasks to be executed lack the leisure to "sit back and take a view" of a problem which is important but not of immediate urgency. There is an almost irresistible tendency to wait till the time comes; and when it does come, the urgency may be too pressing to permit of a considered review of alternatives; the emergency has to be tackled in a hurry.

The appointment of a Royal Commission or a committee which is able to look ahead and envisage future developments may under such circumstances result in valuable guidance being framed before the actual need arises and before passions and prejudices are aroused which make cold consideration impossible. These considerations form some defence for the oft-repeated charge that the appointment of a Royal Commission is an excuse for inaction or postponement. Rushing things is not always a preferable course of action to putting things off. But even when an inquiry is admittedly and of necessity exploratory, it remains of importance that the limits of the field to be explored should be clearly laid down, and that so far as possible the advisory body should be faced with precise questions to which exact answers are invited. The terms of reference should not be so framed as to encourage it to write an essay in place of a report.

The question how the personnel of an advisory body should

be selected is discussed in the Introduction, to which reference may be made. Sir John Maude suggested to us that the representation of "interests" was appropriate in the case of committees, but not of Royal Commissions, to which the views of interested bodies or individuals should be presented by way of evidence. But this distinction has not been consistently observed in modern practice. It seems more in accordance with the facts to regard the difference between Royal Commissions and other advisory bodies as being no longer more than one of prestige.

The view has been taken above that representatives of interests ought not to be held in close tutelage by their constituents, and in this connection it should be observed that Government officials who sit as members of advisory bodies are necessarily there as the mouthpieces of their departments and cannot allow free scope to their private opinion and judgment. Their status is in fact analogous to that of assessors and their usefulness is to that extent limited. But there is a good deal to be said for the appointment of assessors—a practice very rarely followed. It provides an opportunity for the cross-examination of witnesses with a view to the establishment of a case, by bringing out special points that might be overlooked; it avoids the inconvenience of giving to partisans a share in deliberations which are more likely to be effective if disinterested. The assessor in fact fulfils some of the functions of counsel in a court of law, and, like counsel, takes no part in the finding.

No calculus can be presented to determine the appropriate number for the membership of a committee, but there is a general agreement that large numbers do not contribute to effectiveness. They may be inevitable, if a committee is to be fully representative either of knowledge or of opinions or of interests; but independent judgment has a claim to membership of an advisory body prior to any of these. It is obviously desirable that a report should be unanimous, and this is more easily achieved in a small committee than in a large one. The ideal report will not be a reproduction of the views either of the chairman or of any individual member. It will represent the greatest common measure of agreement among the members and will probably embrace allowances made by each to the sentiments and opinions of others. Minor

differences are no good excuse for minority reports and hardly even for "reservations." There should be some give and take even in the tendering of advice.

As to the form of reports, there is probably no fault so destructive of usefulness as excessive length. But extreme brevity may not be reconcilable with an adequate treatment of the material, especially if a historical survey is necessary for its presentation. The difficulty is now generally met, especially in the case of Royal Commissions, by the inclusion (often in leaded type) of a synopsis or summary of conclusions. The practice is a convenient one, but it is of course a concession to the laziness of the public and may lead to a neglect of caveats or qualifications which are of substantial importance. It would generally be possible to make reports more readable. It would certainly be possible to advertise them more aggressively and so increase their circulation. But it is doubtful wisdom to urge that the Stationery Office, or the office from which any report originates, should emulate the methods of the pushing publishers. The value of a report lies, less in its becoming a "best seller" or a general topic of conversation in society, than in its embodying sound advice which is easily accessible to the people by whom it ought to be considered. There is a danger that this severely practical purpose may suffer detriment if too much regard is paid to more fanciful considerations.[1]

The utilization of advice from outside in the administrative work of government is no exact science for which precise rules or limitations can be laid down. But it does involve the introduction of a new element as a part of official technique; and the methods by which that element can be introduced and successfully employed repay study and comparison. And more is involved than a question of method. The consideration of outside opinion is a means of effecting a continuous penetration of the machinery of government by the spirit of democracy and thereby making of it something more than a piece of machinery—a vital organism.

[1] Cf., however, the analysis of Board of Education Reports in Chapter V.

APPENDIX

This appendix contains lists of the advisory bodies which fall within the terms of reference of this study and were appointed between 1919 and 1939. The appendix is divided into two parts. The first part comprises a list of the committees appointed by those departments which have been the subject of individual study in this book; the second comprises lists of advisory bodies appointed by other departments. Advisory bodies appointed by the Foreign Office, the Home Office, the India Office, Scottish Office, the War Office, Admiralty, Air Ministry, and by the Office of Works are not listed. Where there is good reason to believe that a list is incomplete a note has been inserted to that effect. In every instance the outbreak of war made the revision of the lists a difficult and in a few instances an impossible task. It is also responsible for a lack of uniformity in drafting. But on the whole these defects are superficial in character and it is hoped that the appendix will provide a reasonably complete and reliable means of reference to advisory bodies appointed between 1919 and 1939.

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The Use of Advisory Bodies

PART II

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ADVISORY COMMITTEES RELATING TO THE REFORM OF THE MACHINERY OF GOVERNMENT

Title	Appointed	Date of Report	Reference No.	Referred to on page(s)
Royal Commission on Electoral Systems	1908	1910	Cd. 5163	35–45, 82–4
Conference on Redistribution of Seats	1917	1918	Cd. 919	45
The Machinery of Government Committee .. .	1917	1918	Cd. 9230	21, 45–54, 82–84, 181–2, 227
Conference on the Reform of the Second Chamber ..	1917	1918	Cd. 9038	23, 55–63, 82–4
Conference on Devolution ..	1919	1920	Cmd. 69	23, 63–72, 82–4
Committee on Ministers' Powers	1929	1932	Cmd. 4060	70–9, 82–4

I. Standing Committees

Title	Appointed	Notes and Recent Report Nos.	Referred to on page(s)
Trustee Savings Banks Inspection Committee	1891	1935–6 Report, N.P.P. 63–9999, 1937	92, 123
National Savings Committee	April 1916	1937 Report, N.P.P. 63–30–0–37	91–2, 123
University Grants Committee	June 1919	1935–6 Report, N.P.P. 70–152–0–36	120
Trade Facilities Act Advisory Committee ..	December 1921	Acts not renewed after 1927. 1937 Report, *H. of C.* 123, 1936–7	114–16 122
Committee of Civil Research	June 1925	Combined with Economic Advisory Council, 1930	155
Development (Public Utility) Advisory Committee	July 1929	Work later combined with that of T.F.A. Committee	
Economic Advisory Council	January 1930		90, 91, 122
Standing Commission on Museums and Art Galleries	November 1930		120
Import Duties Advisory Committee	March 1932		117–20, 137–8
Foreign Transactions (Advisory) Committee ..	April 1936		112–14, 121
Special, etc., Areas Loans Advisory Committee	May 1937		116–17

ADVISORY COMMITTEES APPOINTED BY THE TREASURY——*continued*

II. Non-Standing Committees

Title	Appointed	Chairman	Reported	Number	Referred to on page(s)
American Dollar Securities ..	Dec. 1915	Sir Robert Chalmers	June 1919 *Interim.*	H.C. 212of1919	97–8
Currency and Foreign Exchanges after the War	Jan. 1918	Lord Cunliffe	Aug. 1918 *Final*	Cd. 9182	98–102
			Dec. 1919	Cmd. 464	
Salaries of Principal Posts in Civil Service	March 1920	Rt. Hon. H. H. Asquith	July 1920	Cmd. 1188	
National Expenditure	Aug. 1921	Sir Eric Geddes	Dec. 1921	Cmd. 1581	93–86
			Jan. 1922	Cmd. 1582	121, 230
			Feb. 1922	Cmd. 1589	
Savings Certificates, Local Loans, etc.	Nov. 1922	E. S. Montagu, Esq.	March 1923	Cmd. 1865	
Pay, etc., of State Servants ..	March 1923	Sir Alan Anderson	July 1923	N.P.P. 63–18	
Government Printing Establishments	June 1923	Col. J. Gretton	March 1927	Cmd. 2828	
National Debt and Taxation ..	March 1924	Lord Colwyn	Nov. 1926	Cmd. 2800	105–8
Parliamentary, etc., Candidature of Civil Servants	April 1924	Rt. Hon. Lord Blanesburgh	March 1925	Cmd. 2408	
Currency and Bank of England Note Issues	June 1924	Sir Austen Chamberlain	Feb. 1925	Cmd. 2393	100–2
Maturity of Savings Certificates of First Issue	April 1925	Cecil Lubbock, Esq.	Nov. 1925	Cmd. 2610	
Municipal Savings Banks	Sept. 1926	Lord Bradbury	Nov. 1927	Cmd. 3014	
Charges for Services by Government Departments	Feb. 1927	Sir Malcolm Ramsay	July 1927	Cmd. 2950	
Codification of Income Tax Law ..	Oct. 1927 (reconst. Jan. 1932)	Sir F. F. Liddell; Lord Macmillan	April 1936	Cmd. 5131	104–5, 121
Staffs of Government Scientific Establishments	May 1929	Professor Sir H. Carpenter	Sept. 1930	N.P.P. 63.0063,00.00	
Finance and Industry	Nov. 1929	Lord Macmillan	June 1931	Cmd. 3897	108–11
National Expenditure	March 1931	Sir G. May	July 1931	Cmd. 3920	93–7, 108, 121
Industrial Assurance and Assurance on Lives of Children under 10	April 1931	Sir B. Cohen	June 1933	Cmd. 4376	
Co-operative Societies and Income Tax	May 1932	W. N. Raeburn, Esq.	Dec. 1932	Cmd. 4260	104–8
Parliamentary Pensions	July 1935	Sir Warren Fisher	Nov. 1937 *Interim*	Cmd. 5624	
Fees and Duties payable on grant of Honours and Dignities	Oct. 1936	Sir Claud Schuster	April 1937 *Final*	Cmd. 5450	
			May 1938	Cmd. 5767	
Spinsters' Pensions	April 1938	C. T. le Quesne, Esq.			
Marketing Boards (Imposition of Penalties)	July 1938	Viscount Falmouth	April 1939	Cmd. 5980	

The Three Most Relevant Royal Commissions

Income Tax	April 1919	Lord Colwyn	March 1920 *Interim*	Cmd. 615	102–4, 121, 124
Museums and Art Galleries ..	July 1927	Viscount d'Abernon	Sept. 1928 *Final*	Cmd. 3192	
			Sept. 1929 *Final* (2)	Cmd. 3401	
			Jan. 1930	Cmd. 3463	
Civil Service	Oct. 1929	Lord Tomlin	July 1931	Cmd. 3909	89, 121, 124–5

ADVISORY COMMITTEES APPOINTED BY THE BOARD OF TRADE

Title and Date of Appointment	Reference No.	Referred to on page(s)
Anglo-Argentine Meat Trade—Joint Committee of Inquiry into (Anglo-Argentine Trade Agreement 1933) (1935)	Cmd. 5839	121
Area Gas Supply Committee (March 1930)	S.O. publication 51–184	151
Art and Industry—Council for (1934) Cf. also Industrial Art		165–6
Balfour Committee (cf. Industry and Trade)		
Bankers' and Traders' Advisory Committee on Clearings (1934)		139
Bankruptcy Committee (1924)	Cmd. 2326	171
Bodkin Committee (1936) (on "share-pushing")	Cmd. 5839	170
Carbon Monoxide—Committee to investigate Proportion of in Gas (1919)	Cmd. 1422	
Census of Production Committees (Census of Production Act, 1906)		167
Cinematograph Films Advisory Committee (Cinematograph Films Act, 1927)		152
Cinematograph Films Council (Cinematograph Films Act, 1938)		154
Civil Research—Committee of		155
Clauson Committee (1924) (to consider amendment of the Assurance Companies Act, 1909)	Cmd. 2820	168
Clynes Committee (Committee of Economic Advisory Council) (1929)	Cmd. 3615	155–6
Colwyn Committee (1934) (set up by the Federation of Master Cotton Spinners' Associations)		157
Company Law Amendment Committee (1925)	Cmd. 2657	167–8
Compulsory Insurance Committee (1936) (Chairman, Sir Felix Cassel)	Cmd. 5528	169
Consumers' Committees (Agricultural Marketing Act, 1931)		162
Copyright Royalty (Mechanical Musical Instrument) Committee, 1928	Cmd. 3122	112–13
Cotton Industry Board (Cotton Industry (Reorganization) Act, 1939)		158–60

Appendix

ADVISORY COMMITTEES APPOINTED BY THE BOARD OF TRADE (*continued*)

Title and Date of Appointment	Reference No.	Referred to on page(s)
Cotton Industry Advisory Committee (Cotton Industry (Reorganization) Act, 1939)		158–60
Cotton Trade Organizations—Joint Committee of (Committee set up by the cotton industry)		156–7
Dangerous Goods and Explosives in Ships—Committee on the Carriage of (1930)		148
Dating of Patents Committee (1926)		172
Deaths from Gas Poisoning—Committee (January 1930)	S.O. publication 51–182	
Dyestuffs Advisory Licensing Committee (Dyestuffs (Import Regulation) Acts, 1920–34)		128–9
Dyestuffs Industry Development Committee (Dyestuffs (Import Regulation) Acts, 1920–34)	Cmd. 3658 Cmd. 4191 Cf. also Cmd. 4411	129–31
Engineers in the Mercantile Marine—Committee on the Examinations of (1936)		
Export Credits Advisory Committee (Council). (Statutory Committee under Acts of Parliament, 1920–39)		143–4
Export Credits (Committees to consider operation of exports credits guarantee scheme) (1925 and 1929)		143
Export Development Committee (Cotton Industry (Reorganization) Act, 1939)		158–9
Fixed Trusts Committee (1936) (Chairman, Sir Alan Anderson)	Cmd. 5159	170
Food Council (1925)		161–2
Food Prices—Royal Commission on (1924)		161–2
Freeboard—Committee to consider Regulations regarding Variation in (1923)		
Fuel Research Board	Cmd. 108	151
Gas Undertakings Committee (1931) ..	Cmd. 4065 Cmd. 4237 Cmd. 4288	151
Gorell Committee (1931)		165
Imperial Shipping Committee	(Cmd. nos. on p. 147)	145–7
Import Duties Advisory Committee (Import Duties Act, 1932)	Cmd. 4411	117–18, 130, 137–138

ADVISORY COMMITTEES APPOINTED BY THE BOARD OF TRADE (*continued*)

Title and Date of Appointment	Reference No	Referred to on page(s)
Incombustible Constituents of Gas—Committee to investigate proportion of (1919)	Cmd. 1492	
Industry and Trade—Committee on (1924)	Factors in Industrial and Commercial Efficiency (1927)	
	Further Factors in Industrial and Commercial Efficiency (1928)	
	Survey of Textile Industries (1928)	
	Survey of Metal Industries (1928)	134–6
	Final Report (Cmd. 3282)	140, 295
Industrial Art—British Institution of (1920) Cf. also Art and Industry		163–4
International Copyright (Committee on) (1935)		173
Kapok in Life-saving Apparatus—Committee on the use of (1929)		148
Lighthouses—Committee on Electrical Communications with (1921)		148
Masters and Mates—Committee on Examinations of (1927)		
Merchandise Marks—Board of Trade Standing Committee (Merchandise Marks Act, 1926)		142–3
Merchandise Marks Committee (1919) ..	Cmd. 760	142, 171
Merchant Shipping Advisory Committee (Merchant Shipping Act, 1906)		147, 148
Merchant Ship Reserve Advisory Committee (British Shipping (Assistance) Bill, 1939)		150
Moyne Committee (1936) (on the films industry)	Cmd. 5320 Cf. Cmd. 5521	152–4
National Fuel and Power Committee (1926)	Cmd. 3201 Cmd. 3252	
Obsolete Tonnage (Committee to consider economic factors in disposal of old ships and their replacement by new) (1930)	S.O. publication 51–187	148
Over-Insurance of Ships—Committee (1936)		
Patents Committee (1929)	Cmd. 3829	173

Appendix

ADVISORY COMMITTEES APPOINTED BY THE BOARD OF TRADE (*continued*)

Title and Date of Appointment	Reference No	Referred to on page(s)
Plumage Advisory Committee (Importation of Plumage (Prohibition) Act, 1921)		141–2
Profiteering Act Committees (Profiteering Act, 1919)		160–1
Registration of Accountants Committee (1930) (Chairman, Viscount Goschen)	Cmd. 3645	169
Restraint of Trade Committee (1930) .	S.O. publication 51–189	163
Representative Advisory Council Cotton Industry (Reorganization) Act, 1939		158–9
Safeguarding of Industries Committee (Safeguarding of Industries Act, 1921,) and Committees under procedure of Cmd. 2327 (February 1925)	Cmd. 2327	132–3
Safeguarding of Industries Duties Committee (1926)	Cmd. 2631	131
Safeguarding of Industries Duties Committee (1936)	Cmd. 5157	131–2
Ship Captain's Medical Guide—Committee to revise the (1938)		148
Ships Replacement Committee (British Shipping (Assistance) Act, 1935)	Cmd. 5459	149–50
Signals—International Code of—Committee (1928)		
Spindles Advisory Committee (Cotton Spinning Industry Act, 1936)		157
Spindles Board (Cotton Spinning Industry Act, 1936)		157
Textiles Trades Committee (1918)	Cmd. 9070	128
Thermal Basis—Committee on the Method of Charging for Gas on a (1922)	Cmd. 1825	151
Trade Marks Committee (1933)	Cmd. 4568	173
Tramp Shipping Administrative Committee (set up by the tramp shipping industry) (January 1935)	Cf. Cmd. 4754	149
Tramp Shipping Subsidy Committee (British Shipping (Assistance) Act, 1935)		149
Wireless Direction Finding Stations—Committee to consider the Development in the United Kingdom of a Service of (1925)		

The Use of Advisory Bodies

ADVISORY COMMITTEES APPOINTED BY THE BOARD OF EDUCATION[1]

1919–38

I. STANDING ADVISORY BODIES	Referred to on page(s)
(a) Consultative Committee	182–3, 187–93, 220, 223, 227, 280
Established by Order in Council, August 7, 1900, amended March 26, 1907. Suspended during Great War. Reconstituted by Order in Council, July 15, 1920.	
Publications:—	
(i) *Differentiation of Curricula between the Sexes in Secondary Schools.* September 29, 1922[2]	
(ii) *Psychological Tests of Educable Capacity.* March 27, 1924	
(iii) *The Education of the Adolescent* (The Hadow Report). October 28, 1926	189–90, 191
(iv) *Books in Public Elementary Schools.* July 26, 1928	188–9
(v) *The Primary School.* November 28, 1930	
(vi) *Infant and Nursery Schools.* July 27, 1933	
(vii) *Secondary Education (Grammar Schools and Technical High Schools)* (The Spens Report). October 13, 1938	188
(b) Victoria and Albert Museum Advisory Council	183, 193–194
Established 1913. Deals also with the Indian Section and the Bethnal Green Museum.	
It is understood that the reports of this Council, made to the President of the Board of Education, are confidential and are therefore not published. Since 1922–23 the Board of Education have included in their Annual Report an account of the year both for the Victoria and Albert Museum and for the Bethnal Green Museum, in the chapter on "Museums."	
(c) Science Museum Advisory Council	183, 185, 194–6, 221
Established January 1913. Reconstituted 1930. Further reconstituted July 1937.	
Publications: Annual Reports published each year since 1929.	
(d) Juvenile Organizations Committee	183, 185, 197–9
Appointed by the Home Secretary in December 1916. Transferred to Board of Education in October 1919. Placed under National Fitness Council (q.v.) on November 1, 1937.	
Publications:—	
(i) *Report on Juvenile Delinquency.* 1920	198
(ii) *Report on the Need for Youth Community Centres on New Housing Estates.* 1936	199

[1] The publishers in every case are the Stationery Office, but a number of the reports are now out of print.

[2] An exact date after a report indicates the day on which it was signed.

(e) *Adult Education Committee*

Referred to on page(s)

Appointed July 1917 as a Sub-Committee of the Reconstruction Committee; became a Committee of the Ministry of Reconstruction. Presented its final report (1919) to the Prime Minister. 199–200

Publications:—

(i) Interim Report on *Industrial and Social Conditions in relation to Adult Education*. March 1918. Cmd. 9107
(ii) Second Interim Report on *Education in the Army*. July 1918. Cmd. 9225
(iii) Third Interim Report on *Libraries and Museums*. May 1919. Cmd. 9237
(iv) *Final Report of the Adult Education Committee*. July 29, 1919. Cmd. 321

Reconstituted in April 1921 as a Standing Committee of the Board of Education.

Publications:—

(i) *Local Co-operation between Universities, Local Education Authorities, and Voluntary Bodies*. Paper No. 1. 1922
(ii) *The Recruitment, Training, and Remuneration of Tutors*. Paper No 2. 1922
(iii) *The Development of Adult Education in Rural Areas*. Paper No 3. 1922 200
(iv) *The Development of Adult Education for Women*. Paper No. 4. 1922
(v) *The Development of Adult Education through Music*. Paper No. 5. 1924
(vi) *The Drama in Adult Education*. Paper No. 6. 1926 200
(vii) *Full-Time Studies*. Paper No. 7. 1927
viii) *Natural Science in Adult Education*. Paper No. 8. 1927
(ix) *Pioneer Work and other Developments in Adult Education*. Paper No. 9. 1927
(x) *The Scope and Practice of Adult Education*. Paper No. 10. 1930
(xi) *Adult Education and the Local Education Authority*. Paper No. 11. 1933

(f) *Secondary School Examinations Council* 183, 201–204, 219, 221

Constituted September 12, 1917

Publications:—

(i) *Report of the Secondary School Examinations Council for the Years* 1917–18 *and* 1918–19 202–3
(ii) *Reports of the Investigators appointed in accordance with the Resolutions of the Council passed on 8th June, 1918, to inquire into the Methods and Standards of Award in the Seven Approved First Examinations held in July* 1918
Subject Reports:
Group I. (English Subjects, History, Geography.) April 11, 1919
Group II. (Classics, Modern Languages.) April 11, 1919
Group III.(Mathematics, Science.) April 11 and 12, 1919

	Referred to on page(s)
(iii) *Reports of the Investigators appointed in accordance with the Resolutions of the Council to inquire into the Methods and Standards of Award in the Eight Second Examinations held in July* 1920	
(iv) *The School Certificate Examination.* 1931	
(*g*) *Standing Joint Committee on Standard Scales of Salaries for Teachers in Public Elementary Schools*	181, 205–207, 220–222
Established August 1919. For change of title see (viii) below	
Publications:—	
(i) *Provisional Minimum Scale of Salaries for Teachers in Public Elementary Schools.* November 21, 1919	
(ii) *Provisional Minimum Scales of Salaries for Teachers in Public Elementary Schools: Supplementary Report.* June 24, 1920	
(iii) *Teachers of Handicraft.* June 24, 1920	
(iv) *Standard Scales of Salaries for Teachers in Public Elementary Schools.* September 30, 1920	
(v) *Scale* 1. Supplementary Report to the above. December 16, 1920	
(vi) *Schedule of Standard Scales of Salaries appropriate to Local Education Authorities*, and Reply of the President of the Board of Education. April 25, 1921	
(vii) *Third Report of the Standing Joint Committee on Standard Scales of Salaries for Teachers in Public Elementary Schools.* February 18, 1927	
viii) *Fourth Report of the Burnham Committee on Scales of Salaries for Teachers in Public Elementary Schools.* October 14, 1938	207
(*h*) *Standing Joint Committee on Scales of Salaries for Teachers in Secondary Schools in which the Local Education Authorities accept responsibility for the Salary Scales*	205–7
Established May 1920. For change of title see (iii) below	
Publications:—	
(i) *Scales of Salaries for Teachers in Secondary Schools in which the Local Education Authorities accept responsibility for the Salary Scales.* October 1, 1920	
(ii) *Second Report of the Standing Joint Committee on Scales of Salaries for Teachers in Secondary Schools, etc.* February 18, 1927	
(iii) *Third Report of the Burnham Committee on Scales of Salaries for Teachers in Secondary Schools.* July 22, 1938	207

Appendix

(*i*) *Standing Joint Committee on Scales of Salaries for Teachers in Technical Schools, etc.* — Referred to on page(s) 205–7

Established December 1920. For change of title see (iv) below

Publications:—

(i) *Report of the Standing Joint Committee on Scales for Teachers in Technical Schools, etc.* April 28, 1921

(ii) *Appendix III* to above. 1923

(iii) *Second Report of the Standing Joint Committee, etc.* February 18, 1927

(iv) *Third Report of the Burnham Committee on Scales of Salaries for Teachers in Technical and Art Schools.* July 22, 1938 — 207

(*g*), (*h*), and (*i*) above:— 206–7

(i) *Award and Recommendations made by the Right Hon. The Viscount Burnham, C.H., in respect of the Salaries of Teachers.* April 1925

(ii) *Recommendations appended to the Award of the Right Hon. The Viscount Burnham, C.H., in respect of the Salaries of Teachers.* June 1925 — 206–7

(*j*) *Central Advisory Committee for the Certification of Teachers* — 207

Established August 1930

No reports have been published.

(*k*) "*National Fitness Council for England and Wales*"

(1) National Advisory Council for Physical Training and Recreation. — 208–10

(2) Grants Committee. Appointed March 1, 1937. Appointment confirmed by Physical Training and Recreation Act, July 13, 1937. Assumed responsibility for Juvenile Organizations Committee (q.v.) on November 1, 1937. — 208–9

Publications:—

(i) *National Fitness—the First Steps.* 1937

(ii) *Memorandum on the Powers of Local Authorities under the Physical Training and Recreation Act,* 1937

(iii) *In Work or Play, Fitness Wins: Twenty-four Ways of Keeping Fit.* 1938 — 209

(iv) *Memorandum on the Constitution and Work of Local Juvenile Organizations Committees.* Memo.: ACG 11. 1938

(v) *Preservation of Existing Playing-Field Facilities.* Memo. NF 1. 1938

II. "Ad Hoc" Advisory Bodies

Referred to on page(s)

Departmental Committees

(A) Curriculum

(For Education and Industry see under "Inter-Departmental Committees")

(*a*) *Committee appointed by the Prime Minister to inquire into the position of Classics in the Educational System of the United Kingdom* — 189

Appointed November 27, 1919

Publication:—

(i) *The Classics in Education.* June 7, 1921

(*b*) *Committee appointed by the President of the Board of Education to inquire into the position of English in the Educational System of England* — 184, 210–212, 219–223

Appointed May 2, 1919

Publication:—

(i) *The Teaching of English in England.* April 23, 1921 — 184, 210–212, 223–224

(*c*) *Committee on Welsh Language and Literature* — 184

Appointed March 23, 1925

Publications:—

(i) *Welsh in Education and Life.* July 4, 1927

(ii) *Y Gymraeg Mewn Addysg A Bywyd.* (The above report in Welsh.) 1927

(*d*) *Committee on Education for Salesmanship* — 184

Appointed October 13, 1928

Publications:—

(i) Interim Report on *British Marketing Overseas.* November 12, 1929

(ii) Second Interim Report on *Modern Languages.* May 21, 1930

(iii) Final Report on *Education for Salesmanship.* July 3, 1931

(*e*) *Committee on Education for the Engineering Industry* — 184

Appointed October 31, 1928

Publication:—

(i) *Education for the Engineering Industry.* I. Report. July 17, 1930. II. Comments on the Report by Educational Bodies

(*f*) *Committee on Domestic Subjects in Public Elementary Schools*

Appointed February 1938

No report signed or issued before 1939.

Appendix

(B) EDUCATION AND TRAINING OF TEACHERS

(See also under "Conferences" below)

Referred to on page(s)

(*a*) *Committee on Training of Teachers for Public Elementary Schools*

Appointed March 1923

Publication:—

(1) *Training of Teachers for Public Elementary Schools.* April 1925. (Cmd. 2409)

(*b*) *Committee on Training of Rural Teachers*

Appointed February 1927

Publication:—

(1) *Training of Rural Teachers.* November 29, 1928

(C) MEDICAL INQUIRIES

(for Mental Deficiency see under "Inter-Departmental Committees" below)

(*a*) *Committee on Adenoids and Enlarged Tonsils* — 184

Appointed by Chief Medical Officer of the Board of Education early in 1924

Publications:—

(1) Interim Report on *Adenoids and Enlarged Tonsils.* November 1928

(ii) Second Interim Report on *The Association of Rickets and Dental Disease with Adenoids and Enlarged Tonsils.* 1931

No final report published.

(*b*) *Committee of Inquiry into Problems connected with Defective Vision in School Children* — 184

Appointed by Chief Medical Officer of the Board of Education in 1924

Publication:—

(1) *Defective Vision in School Children.* 1931

(*c*) *Committee on Anthropometric Data* — 184

Appointed by Chief Medical Officer of the Board of Education in 1924

No report published.

(*d*) *Committee of Inquiry into Problems relating to Partially Sighted Children* — 184

Appointed by Chief Medical Officer of the Board of Education, December 1931

Publication:—

(1) *Partially Sighted Children.* 1934

(*e*) *Committee of Inquiry into Problems relating to Children with Defective Hearing* — Referred to on page(s) 184

Appointed in 1934 by Chief Medical Officer of the Board of Education

Publication:—

(1) *Children with Defective Hearing.* 1938

(D) VARIOUS

(*a*) *Committee on Training for the Sea Service*

Publication:—

(1) *Draft of a National Scheme of Training for the Sea Service.* July 10, 1919. Cmd. 408

(*b*) *Committee on Juvenile Unemployment Centres*

Appointed January 1919

No report published.

(*c*) *Committee on Theatrical Children's Licences*

Appointed January 23, 1919

Publication:—

(1) *Theatrical Children's Licences.* July 28, 1919. Cmd. 484

(*d*) *Committee on Organization of Secondary Education in Wales* — 185

Appointed July 12, 1919

Publication:—

(1) *Organization of Secondary Education in Wales.* September 20, 1920. Cmd. 967

(*e*) *Committee on Scholarships and Free Places* — 185

Appointed October 1919

Publication:—

(1) *Scholarships and Free Places.* July 22, 1920. Cmd. 968

(*f*) *Committee on Public Libraries* — 185

Appointed October 1924

Publications:—

(1) *Public Libraries in England and Wales.* March 24, 1927. Cmd. 2868

(11) *Public Libraries in England and Wales* (reprinted from Cmd 2868 without appendices). Pages 3–5 contain alterations that bring the report up to date (1935)

(*g*) *Committee on the University of London* — 185

Appointed October 1924

Publication:—

(1) *The University of London.* March 1926. Cmd. 2612

Appendix

Referred to on page(s)

(*h*) *Committee on Examinations for Part-Time Students*

Appointed April 1927

Publication:—

(i) *Examinations for Part-Time Students.* July 13, 1928

(*i*) *Committee on Education in Rural Wales*

Appointed November 1927

Publications:—

(i) *Education in Rural Wales.* July 23, 1930

(ii) *Addysg yn Ardaloedd Gwledig Cymru* (the above report in Welsh) 1930

(*j*) *Committee on Procedure for the Award of Maintenance Allowances in respect of Children between the Ages of* 14 *and* 15 *Years*

Appointed December 19, 1929

Publication:—

(i) *Procedure for the Award of Maintenance Allowances in respect of Children between the Ages of* 14 *and* 15 *Years.* May 1930. Cmd. 3570

(*k*) *Committee on Private Schools and other Schools not in receipt of Grants from Public Funds*

Appointed December 1930. Broke off August 1931. Resumed work December 1931

Publications:—

(i) *Private Schools and other Schools not in receipt of Grants from Public Funds.* March 10, 1932

(*l*) *Committee on Advanced Art Education in London* 185

Appointed May 1935

Publication:—

(i) *Advanced Art Education in London.* June 24, 1936

2. CONFERENCES

(*a*) *Conference invited to discuss the Training of Teachers*

Convened March 25, 1926. Set up a Committee to report to the Conference in October 1926

Publications:—

(i) *Interim Report.* October 29, 1926

(ii) Final Report on *Universities and Training Colleges.* May 3, 1928 185

(*b*) *Conference on the Provision of Instruction for Children and Young People in the Aims and Objects of the League of Nations*

Convened June 8, 1927

Publication:—

(i) *Report of the Proceedings of a Conference on Provision of Instruction for, etc.,* 1927

Referred to on page(s)

(*c*) *Conference invited to consider Aid to Non-Provided Schools*
Convened January 13 and 14, 1931

Publication:—
(1) *Proposals for Aid to Non-Provided Schools for purposes of Reorganization and Raising the School Age.* 1931. Cmd. 3786

(*d*) *Conference on the Provision of Improved Opportunities for Teachers to equip themselves for giving Religious Instruction*
Convened November 30, 1933, and March 20, 1934

Publication:—
(1) *The Provision of Improved Opportunities for Teachers to equip themselves for giving Religious Instruction.* 1934

(*e*) *Conference to consider the problems involved in securing effective Co-operation between Local Authorities in the provision of Technical and Art Education*
Convened July 24, 1936

Publication:—
(1) *Co-operation in Technical Education.* December 18, 1936 — 185

3. INTER-DEPARTMENTAL COMMITTEES

(*a*) *Committee on Mental Deficiency* — 185, 212–215
Board of Education and Board of Control
Appointed June 23, 1924, by the Chief Medical Officer of the Board of Education

Publication:—
(1) *Report of Committee on Mental Deficiency.* Parts I and II, III, IV. 1929

(*b*) *Committee on Education and Industry (England and Wales)* — 185
Board of Education and Ministry of Labour
Appointed October 1925

Publication:—
(1) *Report of the Committee on Education and Industry (England and Wales). First Part.* November 3, 1926, *Second Part,* April 23, 1928

(*c*) *Committee on the Practical Education of Women for Rural Life* — 185
Board of Education and Ministry of Agriculture and Fisheries
Appointed December 10, 1925

Publication:—
(i) *The Practical Education of Women for Rural Life.* April 1927

(*d*) *Committee on Education and Training of Students from Overseas* — 185
Board of Education and Board of Trade
Appointed June 1933

No report published.

Appendix

	Referred to on page(s)
(*e*) *Committee on Road Safety among School Children*	
Board of Education and Ministry of Transport	
Appointed March 6, 1935	185
Publication:—	
(1) *Road Safety among School Children.* January 15, 1936	
3A. INTER-DEPARTMENTAL REPORTS BY ONE INVESTIGATOR	
(*a*) *The Right Hon the Viscount Chelmsford, G.C.S.I.*	
Appointed by Prime Minister, "to inquire into the difficulties which have arisen in giving effect to the Joint Memorandum of the Presidents of the Board of Trade and Board of Education of January 3, 1921, etc."	
Publication:—	
(1) *Choice of Employment for Juveniles in England and Wales.* July 1921	185
(*b*) *Dr. A. Eichholz, C.B.E.*	
Appointed April 1930 by the Minister of Health and the President of the Board of Education	
Publication:—	
(1) *A Study of the Deaf in England and Wales,* 1930 *to* 1932. 1932	185
4. ROYAL COMMISSIONS	
(*a*) *Royal Commission on Oxford and Cambridge Universities*	185
Appointed November 1919	
Publication:—	
Report of the Royal Commission on Oxford and Cambridge Universities. March 1922. Cmd. 1588	
(*b*) *Royal Commission on the University of Durham*	
Appointed March 1934	
Publication:—	
Report of the Royal Commission on the University of Durham. January 1935. Cmd. 4815	185, 216–218, 219

ADVISORY COMMITTEES APPOINTED BY THE MINISTRY OF HEALTH

Title	Chairman	Date of Appointment	Important Published Reports	Referred to on page(s)
*Welfare of the Blind (A.C.) (Standing)	Rt. Hon. Lord Blanesburgh	December 1917 (L.G.B.)	Regular reports (H.M.S.O.) since 1918–19. Other special reports published at intervals (H.M.S.O.)	243
Housing Advisory Council	Sir J. T. Walters, M.P. (Acting)	April 1919 (L.G.B.)	Sub-committees reported at intervals (H.M.S.O.). The council did not meet after 1921	249
Medical and Allied Services (C.C.) (Statutory)	Sir Bertrand Dawson (now Lord)	August 1919	Interim Report. 1920 (Cmd. 693). The council did not meet after 1921	227–31, 239
National Health Insurance (Approved Societies' Work) (C.C.) (Statutory)	C. G. Izard, Esq.	August 1919	Work largely of an administrative kind. Reports not published	227–31, 244
Local Health Administration (C.C.) (Statutory)	Sir Ryland Adkins, M.P.	August 1919	Report, 1921 (Cmd. 1113). The council did not meet after 1921	227–231
Wales (C.C.) (Statutory)	Sir Edgar Jones, M.P.	September 1919	First Report, 1920 (Cmd. 703); Second Report, 1921 (Cmd. 1448). The council did not meet after 1921	228, 230
*Medical Distribution Committee (Statutory and Standing)	E. C. Elliott, Esq.	September 1919	—	244
General Health Questions (C.C.) (Statutory)	—	October 1919	—	227–31
Local Financial Statistics (A.C.) ..	—	1919	—	
Housing Propaganda Committee ..	Sir Herbert Morgan	Winter 1919	—	249–50
Smoke Abatement (D.C.)	Lord Newton	January 1920 (re-established)	Interim Report, June 1920 (Cmd. 755); Final Report, December 1920 (H.M.S.O.)	261–2
Metropolis Water Act, 1902 (D.C.)	Sir Horace Monro	1920	Report, 1920 (Cmd. 845) Minutes of Evidence, 1920 (H.M.S.O.)	
Rent Restrictions Acts (D.C.) ..	Marquess of Salisbury	February 1920	Report, March 1920 (Cmd. 658)	251
South Wales Regional Survey Committee	Sir W. H. Seager, M.P.	February 1920	Report, September 1920 (1921, H.M.S.O.)	
Insurance Practitioners' Records (I.D.C.)	Sir Humphrey Rolleston	March 1920 (M. of H. & S.O.)	Report, June 1920 (Cmd. 836)	
Condensed Milk (I.D.C.)	—	March 1920 (M. of H. & M. of A.)	Report, August 1920 (H.M.S.O.)	245
Control of Therapeutic Substances (D.C.)	Sir Mackenzie Chalmers	April 1920	Report, December 1920 (1921. Cmd. 1156)	245
Meat Inspection (D.C.)	Sir Horace Monro	July 1920	Report, July 1920 (H.M.S.O.)	245–6
Living-in on Canal Boats (D.C.) ..	Neville Chamberlain, Esq., M.P.	August 1920	Report, May 1921 (H.M.S.O.)	
Causes and Prevention of Blindness (D.C.)	Rt. Hon. G. H. Roberts	September 1920	Interim Report, May 1921 (H.M.S.O.) Final report 1922 (H.M.S.O.)	
Voluntary Hospitals Committee ..	Viscount Cave	January 1921	Interim Report, March 1921 (Cmd. 1206). Final Report, May 1921 (Cmd. 1335)	239–40
Post-Graduate Medical Education (D.C.)	Rt. Hon. the Earl of Athlone	January 1921	Report, May 1921 (H.M.S.O.)	241
High Cost of Working-Class Dwellings (D.C.)	J. S. Holmes, Esq., M.P.	February 1921	Report, July 1921 (Cmd. 1447)	250
Provisional Scheme for an Institute of State Medicine (D.C.)	Sir Arthur Robinson	July 1921	—	241
Voluntary Hospital Commission ..	Earl of Onslow	July 1921	Report, 1925 (Cmd. 2486)	239–40
Committee for Tuberculous Seamen (Statutory)	—	September 1921	—	

ADVISORY COMMITTEES APPOINTED BY THE MINISTRY OF HEALTH—*continued*

Title	Chairman	Date of Appointment	Important Published Reports	Referred to on page(s)
London Government (R.C.) ..	Viscount Ullswater	October 1921	Report, 1923 (Cmd. 1830). Minutes of Evidence 1922, 1923 (H.M.S.O.)	265–7
Government of Ireland Act (D.C.) ..	Sir Alfred Watson	October 1921	Report, December 1921 (Cmd. 1575)	
Administration of Public Mental Hospitals (D.C.)	Sir Cyril Cobb	December 1921	Report, July 1922 (Cmd. 1730)	240–77
Venereal Diseases (D.C.)	Lord Trevethin	1922	Report, May 1923 (H.M.S.O.)	243
Nursing Services in Mental Hospitals (D.C.)	—	1922	Report, 1924 (H.M.S.O).	241
Rent Restrictions Act (I.D.C.) ..	Rt. Hon. Sir H. Norman, then Earl of Onslow	July 1922 (M. of H. & S.O.)	Interim Report, October 1922 (H.M.S.O.). Final Report, February 1923 (Cmd. 1803)	251–2
Water Supply (A.C.) (Standing) ..	Sir Gwilym Gibbon	December 1922	Reports at intervals (see text)	263–4
Milk (A.C.) (Standing)	Lord Kenyon	1923 (M. of H. & M. of A.)	—	246
Cancer (A.C.)	Sir George Newman	1923	Circulars, etc., issued from time to time between 1924–33	248
Local Government (R.C.)	Earl of Onslow	February 1923	1st Interim Report, 1925 (Cmd. 2506). 2nd Interim Report, October 1928 (Cmd. 3213). Final Report, November 1929 (Cmd. 3436). Minutes of Evidence, 1923–30 (H.M.S.O.)	234, 236, 267–70, 279
*Prices of Building Materials (I.D.C.) (Statutory and Standing)	Sir Isidore Salmon	April 1923	Regular reports at intervals (e.g. Cmd. 2014, 2505)	250–1
Insulin (D.C.)	—	April 1923	—	245
Substitutes for Cocaine (D.C.) ..	—	April 1923	—	245
Preservatives and Colouring Matters in Food (D.C.)	Sir Horace Monro	July 1923	Interim Report, June 1924 (H.M.S.O.). Final Report, October 1924 (H.M.S.O.). Report (under new terms), February 1927 (H.M.S.O.)	245
Water Fittings and Byelaws (D.C.) ..	E. A. S. Fawcett and A. N. C. Shelley	August 1923	Model specification, October 1924 (H.M.S.O.), revised 1926. Report, November 1925 (H.M.S.O.)	265
Rating of Machinery (I.D.C.) ..	Rt. Hon. E. Shortt	November 1923 M. of H. & S.O.)	Report, February 1925 (Cmd. 2340)	232
Vaccination (D.C.)	—	November 1923	Report, May 1925 (unpublished)	
Dietaries in Mental Hospitals (D.C.)	—	1924	Report, 1924 (H.M.S.O.)	
National Health Insurance (R.C.) ..	Lord Lawrence	July 1924	Report, February 1926 (Cmd. 2596). Minutes of Evidence, 1925–26 (H.M.S.O.)	270–1
Lunacy Law (R.C.)	Rt. Hon. H. P. Macmillan, M.P.	July 1924	Report, 1924 (Cmd. 2700). Minutes of Evidence, 1926 (H.M.S.O.)	241, 270
New Methods of House Construction (D.C.)	Sir Ernest Moir	September 1924	1st Interim Report, 1924 (H.M.S.O.). 2nd Interim Report, 1925 (H.M.S.O.). 3rd Interim Report, 1925 (Cmd. 2334). 4th Interim Report, 1925 (H.M.S.O.). No further reports were published	251
Morphine and Heroin Addiction (D.C.)	Sir Humphrey Rolleston	September 1924	Report, 1926 (H.M.S.O.)	245
Building Industry (A.C.) (Statutory)	—	October 1924	—	251
Materials Supply (A.C.) (Statutory)	—	October 1924	—	251
St. Dunstan's (D.C.)	—	May 1925	—	243
Post-Graduation Medical Centres in London (D.C.)	Minister of Health	July 1925	1st Report, 1927 (unpublished). 2nd Report, April 1930 (Cmd. 3535)	241
Local Government, etc., Officers' Superannuation Act, 1922 (D.C.)	Sir L. A. Selby-Bigge	July 1925 (M. of H. & S.O.)	Report, December 1927 (1928. H.M.S.O.)	234

ADVISORY COMMITTEES APPOINTED BY THE MINISTRY OF HEALTH—*continued*

Title	Chairman	Date of Appointment	Important Published Reports	Referred to on page(s)
Vaccination (D.C.)	Sir Humphrey Rolleston	February 1926 (M. of H. & M.R.C.)	1st Report, February 1928 (Cmd. 3148). 2nd Report, September 1930 (Cmd. 3738)	
Mental Deficiency (I.D.C.) ..	Arthur H. Wood, Esq.	February 1926 (Bd. of C. & Bd. of E.)	Report, 1929 (H.M.S.O.)	243–4
Rating and Valuation Committee (Statutory)	—	February 1926	Report, May 1927 (unpublished)	232
Guardians under West Ham Union (A.C.)	—	July 1926	—	
Therapeutic Substances Act (Statutory and Standing (J.A.C.)	Sir George Newman	August 1926 (M. of H., S.O., etc.)	Draft regulations circulated at intervals	245
*Central Valuation Committee (Statutory and Standing)	Sir Howard S. Button	October 1926	Representations issued at intervals (see text)	232–3
Tropical Diseases Study (D.C.) ..	—	November 1926	—	
*Decennial Revision of the International List of Causes of Death (A.C.)	Sir Humphrey Rolleston	January 1927	—	
Optical Practitioners' Registration Bill (I.D.C.) (Statutory)	Mr. (now Sir) F. Boyd Merriman, M.P.	March 1927 (M. of H. & S.O.)	Report, October 1927 (Cmd. 2999)	
Condensed Milk Commission ..	No chairman	1927	—	245–6
London Squares (R.C.)	Marquess of Londonderry	August 1927	Report, September 1928 (Cmd. 3196)	272–6
*Pharmaceutical Distribution Committee (Statutory and Standing)	E. C. Elliott, Esq.	October 1927	—	244–5
Rivers Pollution (J.A.C.) (Standing)	Sir Horace Monro	November 1927 (M. of H. & M. of A.)	Reports at intervals (see text). The committee has not met since 1937	264–5
surance Practitioners) (A.C.) (Statutory and Standing)	Officer			
Ethyl Petrol (D.C.)	Sir Frederick J. Willis	April 1928	Interim Report, July 1928 (Cmd. 3159). Final Report, February 1930 (H.M.S.O.)	242
Training and Employment of Midwives (D.C.)	Sir Robert Bolam	May 1928	Report, July 1929 (H.M.S.O.)	
Maternal Mortality and Morbidity (D.C.)	Sir George Newman	June 1928	1st Interim Report, July 1929 (H.M.S.O.). 2nd Interim Report, June 1930 (H.M.S.O.). Final Report, July 1932 (H.M.S.O.)	242, 276
*Medical (A.C.)[1] (Informal and Standing)	Chief Medical Officer	1929	—	248
Definition of Drugs (A.C.)	—	February 1929	—	245
Relief of Casual Poor (D.C.) ..	Rev. L. R. Phelps	September 1929	Report, June 1930 (Cmd. 3640)	232
Provision of Colonies for Mental Defectives (D.C.)	Walter Hedley, Esq.	November 1929	Report, March 1931 (H.M.S.O.)	
London Cleansing Service (D.C.) ..	—	1930	Report, April 1930 (Cmd. 3613)	
Approval of Medical Practitioners by Board of Control (A.C.)	—	August 1930	—	
Local Government Officers (D.C.) ..	Sir Henry Hadow	September 1930	Report, January 1934 (H.M.S.O.), with summary of evidence	232, 234–235
Rent Restrictions Acts (I.D.C.) ..	Lord Marley	October 1930 (M. of H. & S.O.)	Report, July 1931 (Cmd. 3911)	259–60
*Local Government and Public Health Law Consolidation (D.C.)	Rt. Hon. Lord Addington	December 1930	1st Interim Report, March 1933 (Cmd. 4272), and draft bill (Cmd. 4273). 2nd Report, January 1936 (Cmd. 5059), and draft bill (Cmd. 5060). 3rd Report, December 1937 (Cmd. 5628)	232, 236–238, 439

[1] A member of this, Sir Henry Brackenbury, is chairman of a Medical Advisory Committee (Insurance).

ADVISORY COMMITTEES APPOINTED BY THE MINISTRY OF HEALTH—*continued*

Title	Chairman	Date of Appointment	Important Published Reports	Referred to on page(s)
*Salaries of Local Medical Officers (A.C.)	Chief Medical Officer	1931	—	235–6
*Nutrition (A.C.) (Standing) ..	Prof. M. Greenwood, then Lord Luke	January 1931 (after 1935, M. of H. & S.O.)	Two Memoranda in 1932 and Memorandum in March 1936 (H.M.S.O.). Also Conference Report, May 1934 (H.M.S.O.). 1st Report, March 1937 (H.M.S.O.)	246–8 279
Regional Development (D.C.) ..	Rt. Hon. Viscount Chelmsford	January 1931 (M. of H., M. of T. & S.O.)	Interim Report, March 1931 (Cmd. 3915)	
Thames Flood Prevention (D.C.) ..	—	April 1931 (M. of H. & M. of A.)	Report, July 1933 (H.M.S.O.)	
Composition and Description of Food (D.C.)	Sir Frederick J. Willis	May 1931 (M. of H. & S.O.)	Report, April 1934 (H.M.S.O.)	246
*Scientific and Ancillary Mental Health Services (A.C.) (Standing)	Earl of Radnor	July 1931	—	244
Garden Cities and Satellite Towns (D.C.)	Lord Marley	July 1931 (M. of H. & S.O.)	Report, December 1934 (1935. H.M.S.O.)	255–6
Housing (Rural Authorities) (A.C.) (Statutory)	—	August 1931	—	252
*Standardization and Simplification of Local Authorities' Requirements (D.C.)	A. N. C. Shelley, Esq.	January 1932	1st Report, March 1934 (H.M.S.O.). 2nd Report, May 1935 (H.M.S.O.)	
Sterilization (D.C.)	Sir Laurence Brock	June 1932	Report, January 1934 (Cmd. 4485)	244
*Sewers (A.C.) (informal)	—	1933	—	
Housing of Working Classes (D.C.)	Lord Moyne	March 1933	Report, July 1933 (Cmd. 4397)	253
Cost of Hospitals, etc. (D.C.) ..	Adam Maitland, Esq., M.P.	July 1933	1st Report, December 1936 (1937. H.M.S.O.). Final Report, May 1938 (H.M.S.O.)	240
*Town and Country Planning (A.C.) (Standing)	Sir John Maude	June 1934	Report, July 1938 (H.M.S.O.)	256–8
Construction of Flats for Working Classes (D.C.)	Sir George Humphreys	July 1934	Interim Report, May 1935 (H.M.S.O.). Final Report, May 1937 (H.M.S.O.)	253–4
*Public Health Services (A.C.) (Standing)	Sir George Chrystal	October 1934	Sub-committees reported at intervals	238
*Inland Water Survey Committee (Standing)	Col. Sir Henry Lyons	January 1935	Annual Reports (H.M.S.O.). Memorandum, September 1936 (H.M.S.O.)	263
Tyneside (R.C.)	Sir Angus Scott	May 1935	Report, February 1937 (Cmd. 5402)	272–4, 276, 277
Merthyr Tydfil (R.C.)	Sir Arthur Lowry	May 1935	Report, November 1935 (Cmd. 5039)	274–5, 276
*Central Housing (A.C.) (Statutory and Standing)	Minister of Health	November 1935	Sub-committees reported at intervals	254–5
*Rural Housing Committee (Statutory and Standing)	Sir Felix Pole	January 1936	—	254–5
*Accidents (I.D.C.)	Sir Malcolm Delevingne	April 1936 (M. of H., H.O. & S.O.)	Interim Report, May 1937 (H.M.S.O.)	240
Model Building Byelaws (D.C.) ..	—	November 1936	—	
*Central Water (A.C.) (Standing) ..	Field Marshal Lord Milne	March 1937	1st Report, March 1938 (H.M.S.O.). 2nd Report, April 1939 (Cmd. 5986), and draft Bill (Cmd. 5987)	265
Rent Restrictions Acts (I.D.C.) ..	Viscount Ridley	May 1937 (M. of H. & S.O.)	Report, December 1937 (Cmd. 5621)	259–60
*Abortion (I.D.C.)	W. Norman Birkett, Esq.	May 1937 (M. of of H. & H.O.)	Report, June 1939 (H.M.S.O.)	242–3

ADVISORY COMMITTEES APPOINTED BY THE MINISTRY OF HEALTH—*continued*

Title	Chairman	Date of Appointment	Important Published Reports	Referred to on page(s)
*Tuberculosis in Wales (D.C.) ..	Clement Davies, Esq.	September 1937	Report, October 1938 (1939. H.M.S.O.)	
*Nursing Services (I.D.C.)	Rt. Hon. the Earl of Athlone	November 1937 (M. of H. & Bd. of E.)	Interim Report, December 1938. (1939. H.M.S.O.)	240
Restoration of Land affected by Iron Ore Working (D.C.)	Rt. Hon. Lord Kennet	January 1938	Report, March 1938	
*Rag Flock	Rt. Hon. Lord Merthyr	June 1938 (M. of H. & S.O.)	—	
*Valuation for Rates (D.C.) ..	M. P. Fitzgerald, Esq.	July 1938	—	
*Prevention and Treatment of Blindness (A.C.) (Standing)	P. M. Evans, Esq.	August 1938	—	233
*Distress for Rent (D.C.)	Judge C. W. Lilley	August 1938	—	

(A list of other committees in which the Ministry of Health is represented directly or indirectly is given in its Annual Report, 1938–39, Cmd. 6089, pp. 229–30.)

The following committees still existing are partly or wholly appointed from outside:—

Medical Distribution Committee (Health Insurance).
Joint Advisory Committee under Therapeutic Substances Act, 1925.
Advisory Committee on Medical Officers' Salaries.
Standing Joint Medical Committee on Health of Mercantile Marine (M. of H. and Bd. of Trade).
Committee on Standardization, etc., of Local Authorities Requirements.
Town and Country Planning Committee.

ABBREVIATIONS:
A.C. = Advisory Committee.
J.A.C. = Joint Advisory Committee.
C.C. = Consultative Council.
D.C. = Departmental Committee.
I.D.C. = Inter-Departmental Committee.
R.C. = Royal Commission.

* indicates that the advisory body still existed in January 1939.

M. of H. = Ministry of Health.
Bd. of C. = Board of Control.
Bd. of E. = Board of Education.
H.O. = Home Office.
L.G.B. = Local Government Board.
M. of A. = Ministry of Agriculture.
M. of T. = Ministry of Transport.
M.R.C. = Medical Research Council.
S.O. = Scottish Office.

H.M.S.O. = His Majesty's Stationery Office.

NOTES.—(*a*) Committee's titles are given as used in published reports. Sometimes advisory bodies appointed departmentally will be called "inter-departmental" because their work concerns other departments.

(*b*) Where no appointing body is specified, the advisory body has been appointed either by the Ministry of Health or some body closely connected with it, like the Board of Control.

(*c*) The Chairmen: ordinarily, the name is that of the chairman on appointment, in the case of continuing bodies (except where they still exist, when the name of the present chairman is given). In the case of *ad hoc* bodies, the name is that of the chairman who signed the final report. But important changes have been recorded.

ADVISORY COMMITTEES APPOINTED BY THE MINISTRY OF LABOUR

A. Industrial Relations

	Referred to on page(s)
1. *Departmental and Interdepartmental Committees*	
Relations between Employers and Employed. Mr. J. H. Whitley. Cmd. 9153, 1918	285, 286–288, 297
Trade Boards. Viscount Cave. Cmd. 1945, 1922	289–91
Wages and Conditions in Road Haulage Industry (with Ministry of Transport). Sir James Baillie. Cmd. 3440, 1937	294–5, 296
Fair Wages Clause. Mr. W. D. Ross. (Appt. 1937, no report)	295
Holidays with Pay. Lord Amulree. Cmd. 5724, 1938	291–4, 296
2. *Advisory Committees*	
National Industrial Council, 1918–20	288, 298
Trade Boards, 1921	285, 288–290, 298, 300–2
Standing Interdepartmental Committee on Fair Wages	295, 298
Conference on Health of London Busmen, 1939. Sir John Forster, H.M.S.O. 36–131	
National Advisory Council of Employers and Trade Unions, 1939	299
3. *Courts of Inquiry, appointed under Industrial Courts Act*, 1919	
Dock Labour Dispute. Lord Shaw. House of Commons Paper, 55, 1920	
Electrical Trades Dispute. Rt. Hon. Sir David Harrel. Cmd. 990, 1920	
Tramway Industry. Sir David Harrel. House of Commons Paper, 37, 1921	
Engineering Trades Dispute. Sir Wm. Mackenzie. Cmd. 1653, 1922	
Coal Tippers and Trimmers in South Wales. Mr. J. A. Compston, K.C. Cmd. 1948, 1923	
Great Northern Section of L.N.E.R. Railway Shopmen. Mr. Holman Gregory, K.C. Cmd. 2113, 1924	
Dock Labour Dispute. Mr. Holman Gregory, K.C. Cmd. 2056, 1924	
London Omnibus and Tramway Dispute. Sir Arthur Colefax, K.C., Cmd. 2101, 1924	
Coal Mines Dispute. Lord Buckmaster. Cmd. 2129, 1924	304
Dispute at Coal Exporting Ports. Lord Anderson. Cmd. 2149, 1924	
National Building Industry Dispute. Lord Buckmaster. Cmd. 2192, 1924	304

	Referred to on page(s)
Covent Garden Porters Dispute. Mr. J. A. Compston, K.C. Cmd. 2244, 1924	
Steel Houses. Lord Bradbury. Cmd. 2392, 1925	
Coal Mining Industry. Rt. Hon. H. P. Macmillan, K.C. Cmd. 2478, 1925	
Railway Shopmen on L.N.E.R. and Cheshire Lines. Mr. Holman Gregory, K.C. Cmd. 2583, 1926	
*Textile Trades Dispute. Lord Macmillan. Cmd. 3505, 1929	
*Hull Fishing Industry. Cmd. 4917, 1935	
*London Omnibus Dispute. Mr. John Forster. Cmd. 5564, 1937	305
Plasterers and Joiners in Scotland. Prof. A. Gray. Cmd. 5554, 1937	
4. *Boards of Inquiry under Conciliation Act*, 1896, *proceedings in Private*	
Dispute in Spinning Section of Cotton Industry. Mr. Charles Doughty, K.C. 1936	
Dispute in Wool Textile Industry. Mr. W. D. Ross. 1936	

ADVISORY COMMITTEES APPOINTED BY THE MINISTRY OF LABOUR—*continued*

B. COMMITTEES ON UNEMPLOYMENT, ETC.

Committee	Appointed	Character	Reported	Referred to on page(s)
On Out of Work Donation	1918	T	1919, interim Cmd. 196	
Sea Service Training	1919	T	1920, Cmd. 408	
Work of Employment Exchanges	1920	T	1920, Cmd. 1054	
Unemployment Insurance in Agriculture	1921	T	1921, Cmd. 1344	
Trades Disputes Disqualification	1922	T	No report	
Interdepartmental Committee on Health and Unemployment Insurance	1922	T	1922, Cmd. 1644 1923, Cmd. 1821 (final)	
Supply of Female Domestic Servants	1923	T	1923	
Outworkers in relation to Unemployment Insurance	1923	T	1923	
King's Roll National Council (Disabled ex-Servicemen)	1923	P	1923, Cmd. 1919 (1st Report)	
Central Committee Women's Training and Employment	1923	P	1923, 1st Report	
Interdepartmental Committee on Building Industry, Labour and Supplies	1923	T	1923, Cmd. 1956 (reports till 1931)	
Public Assistance	1923	T	1924, Cmd. 2011	
Registration of Dock Workers	1924	T	1924	
London Advisory Council for Juvenile Employment	1924	P	1st Report 1924–5	
Bristol Advisory Committee on Juvenile Employment	1924	P	1st Report 1925	
Interdepartmental Committee on Education and Industry, Scotland	1925	T	1st Report 1927	
Interdepartmental Committee on Education and Industry, England and Wales	1925	T	[1928 1st Part 1926. 2nd Part	
Scheme of Assistance to Necessitous Areas	1925	T	1925, Cmd. 2645	
Unemployment Insurance (Blanesburgh)	1925	T	1927	
Unemployment Insurance for Agricultural Workers	1925	T	1926	
Employment Committee London Central Schools	1927	P	1928, Annual Report	
Employment Committee, Headmasters	1927	P	1928, Annual Report	
Employment Committee, Headmistresses	1927	P	1928, Annual Report	
Industrial Transference Board	1928	T	1928, Cmd. 3156	
Unemployment Insurance Benefit (Morris)	1929	T	1929, Cmd. 3415	
Unemployment Grants Committee	1929	T	1933, Cmd. 4354 (final)	
Dock Labour Transport and Decasualization	1930	P	1931, 1st Report	
Unemployment Insurance Anomalies Advisory Committee	1931	T	H.C. 150/1931 1933, Cmd. 4407 (Final)	
Condition of Service of Women Staff in Army, Navy, Air Force	1931	T	1931, Cmd. 3769	
Transitional Payments (Durham)	1932	T	1933, Cmd. 4339	
Glasgow Careers Council	1933	P	Not published	
Re-settlement of Regular Sailors, Soldiers, and Airmen	1934	P	Not published	
Depressed Areas	1934	T	1934, Cmd. 4728	
London Regional Advisory Council for Juvenile Employment	1935	P	1936, Annual Reports	
Advisory Committee on Working Class Expenditure	1936	T	—	
Standing Statutory Bodies				
Commissioner for Special Areas, England and Wales	1934	P	1935, 1st Annual Report, Cmd. 4957	
Commissioner for Special Areas, Scotland	1934	P	1935, 1st Report, Cmd. 4958	
Unemployment Statutory Commission	1934		Periodic *ad hoc* reports	
Unemployment Assistance Board (Attached to the U.A.B. Offices are local Committees[1])	1934	P	1935, 1st Report	
Office of the Umpire	1919	P	Summary of cases published	
Employment Exchanges				
Attached to many employment exchanges are advisory Committees. They numbered 338 in 1938. In addition Courts of Referees are attached to the larger Exchanges				
Royal Commissions				
Royal Commission on Food Prices (Auckland Geddes)	1924	T	Report 1925, Cmd. 2390	
Royal Commission on Unemployment Insurance (Gregory)	1930	T	1st Report 1931, Cmd. 3872. Final Report 1932, Cmd. 4185	
Royal Commission on Distribution of Industrial Population	1937	T	1940, Cmd. 6153	

NOTE:—T = Temporary or *ad hoc* committee. P = Permanent or standing committee.

[1] The committees used by the U.A.B. in administration are permanent bodies carrying out their work locally, and they do not issue reports on their work individually.

ADVISORY COMMITTEES APPOINTED BY THE DEPARTMENT OF MINES

Title	Appointed	Character	Reference No.	Referred to on page(s)
Royal Commission on Coal Industry (The "Sankey" Commission)	1919	T[1]	Cmd. 84–86, 210	28, 360, 362, 363–4, 376–80
Advisory Committee for Coal and the Coal Industry	1921	P[2]		361, 366, 376
Advisory Committee for the Metalliferous Mining and Quarrying Industry	1921	P		361,366–7,376
Board for Mining Examinations	1922	P		367, 380–1
Miners' Welfare Fund Committee	1922	P		367–8, 380–1
Safety in Mines Research Board	1922	P		372–3, 380
Technical Appliances Sub-Committee of the Safety in Mines Research Board	1922	P		
Miners' Lamps Committee	1922	T		
Deep and Hot Mines Research Committee	1922	T		
Joint Committee of the Chemistry Co-ordinating Research Board and the Safety in Mines Research Board on the Testing of Permitted Explosives	1922	T		373
Medical Committee on Health Problems of the Mining Industry	1922	P		378, 380–1
Explosives in Mines Research Committee	1923	P		373
Sub-committee of the Explosives in Mines Research Committee for Research on Electrical Shotfiring Apparatus	1923	T		373
Support of Workings in Mines Committee	1923	P		
Rescue Regulations Committee	1923	T		
Miners' Nystagmus Committee	1923	P		
Royal Commission on Subsidence Caused by Mining Operations	1923	T	Cmd. 2570 Cmd. 2899	362, 364–5
Spontaneous Combustion (Co-ordination of Research) Committee	1924	T		373
Water Dangers Committee	1924	T		
"Buckmaster" Court of Inquiry	1924	T		362, 365–6, 376–80
Wire Ropes Committee of the Safety in Mines Research Board	1925	T		
"Macmillan" Court of Inquiry	1925	T		
Royal Commission on Coal Industry ("Samuel" Commission)	1925	T	Cmd. 2600	362, 365–6
Doncaster Area Commission	1926	T		28, 362, 364, 376–80
Committee on Co-operative Selling in the Coal Mining Industry	1925	T		
National Fuel and Power Committee	1926	P		
Rescue Apparatus Testing Officers' Committee	1927	P		
Standing Committee on Mineral Transport	1927	P		
"Guss" Committee	1927	T		371–2
Mine Rescue Research Committee	1928	P		373
Colliery Officials (Examinations and Qualifications) Committee	1928	P		
Haulage Committee	1930	T		
Miners' Welfare National Scholarship Scheme Selection Committee	1931	P		373, 380–1
Miners' Welfare Fund—Committee of Inquiry	1931	T		
Committees of Investigation (under Section 5 of Coal Mines Act, 1930)	1931	P		368, 382–4
Coal Mines Reorganization Commission	1931	P		370–1, 376, 380–1
Coal Mines National Industrial Board	1931	P		369, 382–84
Overwinding Prevention Committee	1934	T		
Royal Commission on Safety in Coal Mines	1936	T	Cmd. 5890 (Dec. 1938)	362, 365

[1] Temporary or *ad hoc* committee.

[2] Permanent or standing committee.

NOTE.—The Annual Report of the Secretary for Mines gives as an Appendix a list of the advisory committees sitting for the year of publication of the Report, *not* for the year of the Report itself, i.e. the Report for 1935 gives the committees sitting in 1936. For further details of the committees listed above, the reader is referred to the Annual Reports. The list is complete only to 1936.

ADVISORY COMMITTEES APPOINTED BY THE MINISTRY OF AGRICULTURE AND FISHERIES[1]

Title	Date of Appointment	Date of Report	Official Designation of Report	Notes	Referred to on page(s)
Development Commission ..	1910	Annual	None	P.S. Set up under the Development and Road Funds Acts of 1909 and 1910. Still standing	424–6
Poultry Advisory Committee ..	1917	—	—	P.T. Reconstituted in 1920 and again in 1927. Now in abeyance, not having met since 1936	
Advisory Committee on Cereal Seeds	20.6.17	—	—	P.T. Still standing	
Agricultural Wages Board ..	Dec. 1917	Periodic	Wages Board Gazette	P.S. Set up under the Corn Production Act of 1917 and dissolved by Corn Production Acts (Repeal) Act of 1921	392
District Wages Committees ..	Jan.–May 1918	Periodic	Wages Board Gazette		
Electro-Culture Committee ..	6.2.18	Annual	Unpublished	P.T Dissolved in 1939	423
Agricultural Conciliation Committee	23.4.19	—	—	Dissolved in May 1920	
Departmental Committee on Agricultural Machinery	16.5.19	—	Cmd. 506	T.	421
Royal Commission on the Economic Prospects of the Agricultural Industry in Great Britain	15.7.19	10.12.19	Cmd. 473 (Interim)	Formally still sitting	391–4, 427–8
Advisory Committee on Steam Cultivation and Threshing	15. 8.19	—	—	Dissolved in February 1920. All records of this body have been destroyed	
Estate Management Committee	6.11.19	—	—		
Advisory Committee on Land Settlement	6.11.19	—	—		
Standing Committee on Education	1.12.19	—	—	P.	
Inter-Departmental Committee on Education in Rural Districts	2.12.19	—	—	With Board of Education	
Agricultural Research Council	12.12.19	Periodic	Unpublished	P. Still standing. Since 1931 given the more definitive title of "Conference of Directors of Agricultural Research Institutes"	424–6
Council of Agriculture for England	1920	Periodic	Unpublished	P.S. All three were set up under the Ministry of Agriculture and Fisheries Act of 1919	397–404
Council of Agriculture for Wales	1920	Periodic	Unpublished		397, 399
Agricultural Advisory Committee for England and Wales	1920	Periodic	Unpublished		397, 399–404

[1] The list purports to be complete. There may have been advisory bodies of which no trace remained in any of the accessible sources, but it can be assumed that such omissions are unimportant. Gaps in the information relevant to some of the bodies listed are due to the fact that the outbreak of hostilities in September 1939 made it impossible to continue the research necessary to obtain that information.

In the notes "P" indicates a permanent body, "T" a technical body, and "S" a statutory body.

ADVISORY COMMITTEES APPOINTED BY THE MINISTRY OF AGRICULTURE AND FISHERIES
—continued

Title	Date of Appointment	Date of Report	Official Designation of Report	Notes	Referred to on page(s)
Departmental Committee on the Warble Fly Pest	12. 5.20	7.7.26	—		
Potato Advisory Committee ..	11. 9.20	—	—		
Tithe Redemption Committee	25.10.20	—	—	Dissolved on 20.12.20, reconstituted on 31.10.21, dissolved on 15.12.21, reconstituted on 11.10.22, dissolved on 16.11.22, reconstituted on 12.10.23 and finally dissolved on 17.12.23	
Permanent Joint Conciliation Committees	1921	—	Unpublished	P.S. Set up under the Corn Production Acts (Repeal) Act of 1921 and dissolved by the Agricultural Wages (Regulation) Act of 1924	392
Departmental Committee on Tithe Rentcharge	1921	—	—		
Advisory Committee on the Production of Willow Rods	9. 3.21	—	—		
Royal Commission on the Importation of Store Cattle	11. 5.21	30.8.21	Cmd. 1139		429–30
Departmental Committee on Allotments	8. 8.21	10.1.22	—		
Advisory Committee on Testing of Agricultural Machinery	4.11.21	—	—	T.	421
River Pollution Standing Committee	20.12.21	—	—	P.	
Committee to Inquire into the Financial Position of Home Grown Sugar, Ltd.	10. 1.22	31.1.22	—		
Departmental Committee on Foot and Mouth Disease	22. 3.22	7.12.22	Cmd. 1784		422
Central Committee on Agricultural Scholarships	18. 7.22	28.8.26	—		
Committee on Agricultural Credit	13.10.22	21.1.23	Cmd. 1810		
Joint Committee on Commercial Fruit Trials	17.10.22	—	—	With the Royal Horticultural Society	
Allotments Advisory Committee	8.12.22	—	—		405,406–8
Departmental Committee on Distribution and Prices of Agricultural Produce	13.12.22	1. 17. 4.23 2. 14. 6.23 3. 23. 7.23 4. 9.10.23 5. 22.11.23	Cmd. 1854 Cmd. 1892 Cmd. 1927 Cmd. 1971 Cmd. 2008	40	409–10
Agricultural Tribunal of Investigation	29.12.22	1. 29. 3.23 2. 10.11.23 3. 7. 5.24	Cmd. 1842 Cmd. 2002 Cmd. 2145		
Joint Advisory Committee on Milk	1923	—	—	With the Ministry of Health	
Departmental Committee on the Fertilizers and Feeding Stuffs Act, 1906	5. 7.23	27.3.24	Cmd. 2125		
Committee on the Conduct of Clean Milk Competitions	22.12.23	—	—	T. Dissolved on 1.12.24	

ADVISORY COMMITTEES APPOINTED BY THE MINISTRY OF AGRICULTURE AND FISHERIES
—continued

Title	Date of Appointment	Date of Report	Official Designation of Report	Notes	Referred to on page(s)
Committee on Stabilization of Agricultural Prices	1924	26. 1.25	Ministry of Agriculture & Fisheries, Economic Series, No. 2		405, 408–410
Commission of Inquiry on the De Vecchis Beet Sugar Process	1924	4. 2.25	Cmd. 2343	T.	420
Standing Committee on Agricultural Co-operation and Credit	1924	—	—		
National Poultry Institute Advisory Committee	1924	—	Unpublished	P.T. Still standing	
River Pollution Scientific Advisory Committee	17. 1.24	—	—	P.T.	
Departmental Committee on Foot and Mouth Disease	8. 2.24	—	Cmd. 2350		422
Virus Disease of Plants Committee	18. 2.24	—	Unpublished	P.T.	
Research Committee on Foot and Mouth Disease	4. 3.24	—	Unpublished	P.T.	
Committee on the Testing of Agricultural Machinery	14. 5.24	—	—	T.	
Departmental Committee on Rationing of Dairy Cows	1. 9.24	13. 8.25	—	T.	
Agricultural Wages Board ..	18.10.24	Annual	Annual Report of Proceedings under the Agricultural Wages (Regulation) Act	P.S. Still standing. Set up under the Agricultural Wages (Regulation) Act of 1924	392
Agricultural Wages Committees	18.10.24	Annual			
Royal Commission on Food Prices	29.11.24	23. 4.25	Cmd. 2390	Only First Report made	428
Fertilizers and Feeding Stuffs Advisory Committee	23.12.24	3. 7.25	Cmd. 2470		
Permanent Committee on Agricultural Meteorology	27.12.24	—	Unpublished	P.T.	
Departmental Committee on the Export of Horses to the Continent	5. 3.25	31. 7.25	Cmd. 2495		
Inter-Departmental Committee on Protection for Crabs and Lobsters	6. 3.25	—	—	With Scottish Office	
Ouse Drainage Commission ..	9. 4.25	21.12.25	Cmd. 2572		
Inter-Departmental Committee on Agricultural Unemployment Insurance	12. 5.25	17. 8.26	—		
Agricultural Machinery Testing Committee	June 1925	1. 12.4.30 2. 14.9.34	—	T.	421
Committee on the Law of Property Act, 1922	29.10.25	—	—		
Sub-Committee on the Practical Education of Women for Rural Life	10.12.25	April 1927	—		
Wool Breeding Council ..	1926	—	—	With Scottish Office	

ADVISORY COMMITTEES APPOINTED BY THE MINISTRY OF AGRICULTURE AND FISHERIES
—continued

Title	Date of Appointment	Date of Report	Official Designation of Report	Notes	Referred to on page(s)
Committee on the Extraction of Alcohol from Sugar Beet	28. 1.26	14.4.26	—	T.	
Committee on the Reassessment of Grants to Institutions of Higher Agricultural Education	22. 3.26	—	—	Dissolved on 7.4.27. Committees are set up periodically for this purpose	
Commission on Drainage and Mining around Doncaster	28. 6.26	10.2.28	—		
Joint Committee on the Residual Values of Feeding Stuffs and Fertilizers	1927	—	—		
Committee on Standard Egg and Poultry Boxes	25. 1.27	—	—	Dissolved on 3.6.27	
Merchandise Marks Standing Committee	10. 2.27	1. 14.10.27 2. 14.10.27 3. 25.11.27 4 .1928 5. 23. 2.28 6. 14. 5.28 7. 1. 6.28 8. 1929 9. 13.12.29 10. 1930	Cmd. 2969 Cmd. 3026 Cmd. 3012 Cmd. 3425 Cmd. 3062 Cmd. 3118 Cmd. 3145 Cmd. 3344 Cmd. 3474 Cmd. 3666	P.S. Still standing. Set up under the Merchandise Marks Act of 1926	410–12, 413, 419
		11. 22. 5.31 12. 23. 3.33 13. 22. 9.33 14. 10.11.33 15. 31. 5.35 16. 3. 3.36 17. 25.10.38	Cmd. 3878 Cmd. 4337 Cmd. 4439 Cmd. 4470 Cmd. 4926 Cmd. 5147 Cmd. 5907		
Fertilizers and Feeding Stuffs Advisory Committee	16. 2.27	—	—	P.S.T. Still standing. Set up under the Fertilizers and Feeding Stuffs Act of 1926	
Royal Commission on Land Drainage	26. 3.27	5.12.27	Cmd. 2993		430
Advisory Committee on River Pollution	14.11.27	—	—	With Ministry of Health	264–5
Pig Industry Council	May 1928	1. Dec. 1929 2. 5.12.29 3. 21. 5.30 4. 21. 5.30	Ministry of Agriculture & Fisheries, Marketing Leaflets Nos. 15, 16, 23 & 30		
Departmental Committee on the Reconstruction of the Royal Veterinary College	30. 7.28	—	—		423
National Mark Committee ..	4. 8.28	Periodic	Unpublished	P.S. Still standing. Set up under the Agricultural Produce (Grading and Marking) Act of 1928	412–13, 419
National Mark Fruit Trade Committee	4. 8.28	Periodic	Unpublished	P. Still standing	412

ADVISORY COMMITTEES APPOINTED BY THE MINISTRY OF AGRICULTURE AND FISHERIES
—continued

Title	Date of Appointment	Date of Report	Official Designation of Report	Notes	Referred to on page(s)
National Mark Egg Trade Committee	3.12.28	Periodic	Unpublished	P. Still standing. Until 1937 this was the National Mark Egg and Table Poultry Trade Committee	412
National Mark Wheat Flour Trade Committee	5. 9.29	Periodic	Unpublished	P. Still standing	412
National Mark Beef (London) Trade Committee	Oct. 1929	Periodic	Unpublished	P. Still standing, but has not met for some time	412
Joint Standing Committee on Poultry Research in the United Kingdom	Nov. 1929	—	—	With Scottish Office and Ministry of Agriculture for Northern Ireland	
National Mark Malt Products Trade Committee	15.11.29	Periodic	Unpublished	P. Still standing	412
Committee on Reassessment of Grants to Institutions of Higher Agricultural Education	6. 3.30	—	—	Dissolved on 24.8.31	
Inter-Departmental Committee on the Grading and Marking of Beef	8. 4.30	Aug. 1930	Cmd. 3648		
National Mark Canned Fruit and Vegetables Trade Committee	20. 5.30	Periodic	Unpublished	P. Still standing. Its functions were originally performed by a National Mark Canned and Bottled Fruit and Vegetables Trade Committee	412
Agricultural Machinery Advisory Committee	5. 6.30	—	—		
Inter-Departmental Committee on Agricultural Tied Cottages	25.10.30	24. 5.32	Cmd. 4148		
National Mark Cider, Perry and Fruit Products Trade Committee	20.11.30	Periodic	Unpublished	P. Still standing. Originally dealt with cider only, and was reconstituted under this title on 27.4.36	412
Committee on Allotment Gardens for the Unemployed	27.11.30	—	—	Also called the Central Allotments Committee	
Joint Committee on Shellfish	April 1931	—	—	With Ministry of Health	
Inter-Departmental Committee on Thames Flood Protection	16. 4.31	July 1933	Cmd. 4452		
Agricultural Research Council	23. 7.31	Biennial: 1. 1.8.34 2. 15.9.36 3. 16.5.38	 Cmd. 4718 Cmd. 5293 Cmd. 5768	P. Still standing	424–26
Second Inter-Departmental Committee on the Grading and Marking of Beef	21. 8.31	Feb. 1932	Cmd. 4047		
Joint Advisory Committee on the Regulation of Meat Imports	1932	—	—	With Scottish Office and Board of Trade	
Consumers' Committee ..	1932	—	—		415–16
Reorganization Commission for Milk for England and Wales	18. 4.32	27. 1.33	Economic Series, No. 38	S. Set up under the Agricultural Marketing Act of 1931	412–14
Committee on the Use of Home Produce by Hotels, etc.	18. 4.32	—	—		

ADVISORY COMMITTEES APPOINTED BY THE MINISTRY OF AGRICULTURE AND FISHERIES
—continued

Title	Date of Appointment	Date of Report	Official Designation of Report	Notes	Referred to on page(s)
Pigs and Pig Products Reorganization Commission for Great Britain	21. 4.32	13.10.32	Economic Series, No. 37	S. Set up under the Agricultural Marketing Act of 1931	412–14
National Mark Honey Trade Committee	25. 4.32	Periodic	Unpublished	P. Still standing	412
National Mark Bottled Fruit and Vegetables Trade Committee	12. 7.32	Periodic	Unpublished	P. Still standing. Its functions were originally performed by a National Mark Canned and Bottled Fruit and Vegetables Trade Committee	412
Reorganization Commission for Fat Stock for England and Wales	21.12.32	28. 3.34	Economic Series, No. 39	S. Set up under the Agricultural Marketing Act of 1931	413
Market Supply Committee ..	1933	Periodic	Unpublished	P.S. Set up under the Agricultural Marketing Act of 1933	417–18
National Mark Vegetables Trade Committee	15. 5.33	Periodic	Unpublished	P. Still standing	
Sea Fish Commission	20. 6.33	—	—	With Scottish and Home Offices	
Agricultural Marketing Facilities Committee for England and Wales	25. 7.33	Periodic	Unpublished	P.S. Set up under the Agricultural Marketing Act of 1931	416–17, 424
Agricultural Marketing Facilities Committee for Great Britain	25. 7.33	Periodic	Unpublished		416–17, 424
Reorganization Commission for Eggs and Poultry for England and Wales	9.10.33	24. 1.35	Economic Series, No. 42	S. Set up under the Agricultural Marketing Act of 1931	413
Committee of Investigation for England and Wales	10.11.33	Periodic	Unpublished	P.S. Set up under the Agricultural Marketing Act of 1931	415–16
Committee of Investigation for Great Britain	10.11.33	Periodic	Unpublished		415–16
Joint Committee for Pig and Bacon Marketing Boards	1.12.33	—	—		
Bacon Indemnity Loan Committee	Dec. 1933	—	—		
Consumers' Committee for England and Wales	8.12.33	Periodic	Unpublished	P.S. Set up under the Agricultural Marketing Act of 1931	415
Consumers' Committee for Great Britain	8.12.33	Periodic	Unpublished		415
Technical Committee on Abattoir Design	21.12.33	25. 6.34	Economic Series, No. 40	T.	421
Committee on Reassessment of Grants for Institutions of Higher Agricultural Education	1934	—	—		
National Mark (Acting) Jam Trade Committee	Jan. 1934	Periodic	Unpublished	P.	412
Improvement of Livestock (Licensing of Bulls) Committee	24. 1.34	—	—	P. Dormant since 1934	
National Mark Cheese Trade Committee	2. 2.34	Periodic	Unpublished	P.	412
Flowers and Plants Publicity Committee	20. 2.34	—	—		
United Kingdom Sugar Industry Inquiry Committee	April 1934	13. 3.35	Cmd. 4871		394–6

ADVISORY COMMITTEES APPOINTED BY THE MINISTRY OF AGRICULTURE AND FISHERIES
—continued

Title	Date of Appointment	Date of Report	Official Designation of Report	Notes	Referred to on page(s)
Provisional Committee on Hops	9. 4.34	21. 6.34	Cmd. 4628		392
Cattle Committee	31. 7.34	10. 8.34	Economic Series, No. 41		
Royal Commission on Tithe Rentcharge in England and Wales	27. 8.34	26.11.35	Cmd. 5095		89, 428–429
Permanent Joint Committee on Hops	Oct. 1934	—	—		
Reorganization Commission for Eggs and Poultry for Great Britain	25. 1.35	5.12.35	Economic Series, No. 43	S. Set up under the Agricultural Marketing Act of 1931	
Milk Reorganization Commission for Great Britain	11. 2.35	6.11.36	Economic Series, No. 44	S. Set up under the Agricultural Marketing Act of 1931	414
Standard Price Committee on Wheat	25. 2.35	6. 6.35	Cmd. 4932	S. Set up under the Wheat Act of 1932	421–22
Poultry Technical Committee of Great Britain	17. 9.35	12. 1.38	—		
Sugar Tribunal..	1.10.35	23. 3.36	Cmd. 5139 (p. 4)		
National Mark Creamery Butter Trade Committee	12.10.36	Periodic	Unpublished	P. Still standing	412
Committee on Veterinary Education in Great Britain	3.11.36	8. 7.38	—		
Committee on Post-Graduate Agricultural Scholarships and Refresher Course Grants	1937	—	—	There have probably been other Committees of this kind	
National Mark Dressed Poultry Trade Committee	22. 7.37	Periodic	Unpublished	P. Still standing. Its functions were originally performed by a National Mark Egg and Table Poultry Trade Committee	412
Land Fertility Committee ..	3. 8.37	Periodic: 1st. 6.10.38	—	P.S. Set up under the Land Fertility Act of 1937	
Livestock Advisory Committee	27.10.37	Periodic	Unpublished	P.S. Set up under the Livestock Industry Act of 1937	
Advisory Committee on a New Index Number for Agricultural Prices	18. 1.38	—	Unpublished	An account of the Committee's work is given in the *Journal of the Royal Statistical Society*, Vol. CI, Part II, p. 275, 1938	422
Hops Reorganization Commission for England	25. 2.38	29.4.38	Economic Series, No. 46	S. Set up under the Agricultural Marketing Act of 1931	
Departmental Committee on the Penalties Imposed by Marketing Boards and other Similar Bodies	27. 7.38	20.3.39	Cmd. 5980		

The following advisory bodies are known to have existed, but no further information about them can be given:—

Committee to Consider a Proposed Horticultural Meteorological Scheme.
Horticultural Advisory Council.
Joint Standing Committee on Poultry Research.
Permanent Committee on Basic Slag.
Pig Husbandry Experiments Committee.
Soil Correlation Committee.
Sugar Beet Research and Education Committee.

ADVISORY COMMITTEES APPOINTED BY THE LORD CHANCELLOR'S OFFICE

Title	Date of Appointment	Date and Number of Report	Referred to on page(s)
Poor Persons Rules	February 1919	1919. Cmd. 430	
Reorganization of Public Trustee Office	April 3, 1919	1919. Cmd. 421	
Royal Courts of Justice Staff	April 14, 1919	1919. Not presented to Parliament	
County Court Staff	July 14, 1919	1919. Cmd. 1049	
Advisory Committee for appointment of Women Justices of the Peace	February 9, 1920	1920. Not presented to Parliament	
Supreme Court Fees	June 24, 1920	1921. Cmd. 1565	
County Court Fees	June 6, 1921	1923. Cmd. 1856	
Detention of Prisoners awaiting Trial	August 31, 1921	1921. Cmd. 1574	
Solicitors charges "Lump Sum"	June 14, 1921	1922. Not presented to Parliament	
Crown: Proceedings by and against	December 16, 1912	1927. Cmd. 2842	
Coercion of Wives	April 1, 1922	1922. Cmd. 1677	
Circuits: Assizes: Rearrangement	May 8, 1922	1923. Cmd. 1831	
Civil Judicial Statistics	May 15, 1922	Not presented to Parliament	
Insanity and Crime	July 10, 1922	1923. Cmd. 2005	
District Probate Registries	July 19, 1922	1923. Cmd. 1968	
Infants' Damages	March 9, 1923	1923. Cmd. 1870	
Poor Persons Rules	July 24, 1923	1925. Cmd. 2358	
Law of Property Consolidation Bills	November 5, 1923	1924. Cmd. 2271	
Legal Aid for the Poor	April 7, 1925	1926. Cmd. 2638 1927. Cmd. 3016	
Arbitration Acts	March 26, 1926	1927. Cmd. 2817	
Trustee Securities	July 8, 1926	1928. Cmd. 3107	
Imperial School of Law	February 2, 1927	1922. Not presented to Parliament	
Arrestment on the Dependence	June 13, 1927	1928. Cmd. 3101	
Walking Possession	July 13, 1927	1927. Not presented to Parliament	
[illegible] with registration of land	[illegible]	[illegible] Parliament	
Adhesive Stamps—Supreme Court	November 29, 1928	1928. Not presented to Parliament	
Divorce on Assizes	March 21, 1929	1929. Cmd. 3375	
Land Registration	May 1, 1929	1930. Cmd. 3564	
Chancel Repairs	October 24, 1929	1930. Cmd. 3571	
Ministers' Powers	October 30, 1929	1932. Cmd. 4060	70–9,82–4
Reciprocal Enforcement of Judgements	October 19, 1931	1932. Cmd. 4213	
Dormant Funds	December 15, 1931	1932. Cmd. 4152	
Legal Education	August 4, 1932	1934. Cmd. 4663	
Business of the Courts	December 9, 1932	1933. Cmd. 4265 1933. Cmd. 4471 1936. Cmd. 5066	
Law Revision Committee	January 10, 1934	1934. Cmd. 4540 1934. Cmd. 4546 1934. Cmd. 4637 1934. Cmd. 4770 1936. Cmd. 5334 1937. Cmd. 5449 1939. Cmd. 6009	
Poor Persons' Procedure	April 1934	S.O.P. 1934	
Land Transfer	February 14, 1934	1934. Cmd. 4776	
Royal Commission on the Despatch of Business at Common Law	December 5, 1934	1936. Cmd. 5065	
International Law—Sale of Goods	December 4, 1935	1936. Not presented to Parliament	
Shorthand Writers	March 4, 1936	1936. Cmd. 5395	
Circuit Towns	March 4, 1936	1936. Cmd. 5262	
Quarter Sessions	March 4, 1936	1936. Cmd. 5252	
Responsibility for the Repair of Premises damaged by Hostilities	March 9, 1938	1939. Cmd. 5934	
Legal Education	May 5, 1938	Not yet reported	

In addition, in accordance with the recommendations of the Report of the Royal Commission on the Selection of Justices of the Peace (1911, Cmd. 5250), Advisory Committees on the appointment of Justices of the Peace have been set up in 63 counties and 212 boroughs in England and Wales, and in Edinburgh, Glasgow, Dundee and Aberdeen and 32 counties in Scotland. The constitution of these Committees is revised from time to time, and they report to the Lord Chancellor when occasion requires.

The Use of Advisory Bodies

PRIVY COUNCIL OFFICE

The following bodies act as Advisory bodies to a Committee of the Privy Council:—

	Referred to on page(s)
(1) Department of Scientific and Industrial Research—appointed by Order in Council, 1915	27, 254, 262, 264, 426
(2) Agricultural Research Council—Incorporated by Royal Charters, dated 1931 and 1933	424–6
(3) Medical Research Council—First established 1913	26, 426
(4) Coronation Committee—appointed *ad hoc*	

There are a number of committees acting in an advisory capacity to the D.S.I.R., to the Medical Research Council, and to the Agricultural Research Council.

LIST OF ADVISORY BODIES APPOINTED BY THE MINISTER OF PENSIONS

Name of Committee	Date of Appointment	Character	Date of Report	Referred to on page(s)
Special Grants Committee	1917. (Section 2 of the Naval and Military War Pensions, etc. (Transfer of Powers) Act.)	P		
Decentralization Committee	14.2.1919	T	3.3.1919	
Departmental Committee on Artificial Limbs	14.2.1919	T	20.5.1919	
Expert Committee to determine Pattern Types of Limbs	1.7.1919	T	13.8.1919	
Ministry of Pensions Disability Committee ..	October 1919	T	Interim Report July 1920	
Standing Joint Committee	1920	P		
Departmental Committee of Inquiry ..	November 1920	T	June 1921	
Committee of Inquiry on Artificial Limbs ..	5.7.1921	T	28.7.1921	
War Pensions Committees	1921. (Sections 1 of War Pensions Act, 1921.)	P		
Central Advisory Committee	1921. (Section 3 of War Pensions Act, 1921.)	P		
Committee of Inquiry on Metal Artificial Limbs	17.4.1925	T	29.7.1925	

P = Permanent or Standing Committee.
T = Temporary or *ad hoc* Committee.

ADVISORY COMMITTEES APPOINTED BY THE MINISTRY OF TRANSPORT

Title	Date of Appointment	Character	Reference Number or Date of Report in the case of *ad hoc* Committees	Referred to on page(s)
Transport Advisory Council	1933	P	July 1937. Ref. 55–183 July 1938. Ref. 55–9999 Dec. 1937. Ref. 5–9999 1938. Ref. 55–189 1939	
London and Home Counties Traffic Advisory Committee	1924	P	1936–37. Ref. 55–34–0–37 1934. Ref. 88–35–90–34	
Railway Rates Tribunal	1921	P		
Road and Rail Traffic Act Appeal Tribunal	1933	P		
Area Traffic Commissioners	1930	P		
Electricity Commissioners	1919	P	1937–38. Ref. 81–1–0–38	
Experimental Work on Highways (Technical) Committee	1936	P	1937–38. Ref. 55–180–0–38	
Departmental Committee on Noise in the Operation of Mechanically-Propelled Vehicles	1936	T	1937. Ref. 55–174	
Railway Employment (Safety Appliances) Standing Committee	—	P	Reports not published	
Standing Committee on Mineral Transport	—	P	1929. Cmd. 3429	
Committee on Street Lighting	—	T	1937. Ref. 55–184	
Committee on Highway Law Consolidation	—	T	Not yet reported	
(Defence Plans—various committees of confidential character, including representatives of trade, transport and labour interests)				
Electricity Distribution Committee	—	T	C.O. 55–173	
Conference on Road and Rail Transport	1932	T	55–770	
Safety of School Children Committee	1936	T	Sc. 88–60, 0–36	

NOTE.—This list is incomplete and owing to present circumstances it has been found impossible to secure the necessary information to make it complete.

P = Permanent or standing committee. T = Temporary or *ad hoc* committee.

ADVISORY COMMITTEES APPOINTED BY THE POST OFFICE

Title	Date of Appointment	Character	Date and Number of Report	Referred to on page(s)
Business Advisory Council	1921	P		
National Savings Certificates (Chairman: Sir Joseph Burn, K.B.E., and Mr. S. Sydney-Turner on Committee)	1921	T	1921. Not published	
Post Office Life Insurance Committee (Chairman: Sir Alfred Watson, K.C.B.)	1923	T	1923. Not published	
Broadcasting Committee (Chairman: Maj.-Gen. Sir Frederick Sykes, G.B.E., K.C.B., C.M.G., M.P.)	1923	T	1923. Cmd. 1951	
Imperial Wireless Telegraphy Committee (Chairman: Robert Donald, Esq., LL.D.)	1924	T	1924. Cmd. 2060	
Broadcasting Committee (Chairman: The Rt. Hon. the Earl of Crawford and Balcarres, K.T.)	1925	T	1926. Cmd. 2599	
Trans-Atlantic Wireless Telephony (Chairman: Admiral of the Fleet Sir Henry B. Jackson, G.C.B., K.C.V.O., F.R.S., R.N.) ..	1927	T	1927. Cmd. 2858	
Inland Telegraph Service Committee, 1927 (Chairman: Sir S. Hardman Lever, Bart., K.C.B.)	1927	T	1928. Cmd. 3058	
Committee of Inquiry on the Post Office (Chairman: The Rt. Hon. the Viscount Bridgeman, LL.D.)	1932	T	1932. Cmd. 4149	
Television Committee (Chairman: The Rt. Hon. the Lord Selsdon, K.B.E.)	1935	T	1935. Cmd. 4793	
Television Advisory Committee (Chairman: Rt. Hon. Lord Cadman, G.C.M.G., D.Sc.)	1935	P	Still sitting	
Broadcasting Committee (Chairman: The Rt. Hon. the Viscount Ullswater, G.C.B.)	1935	P	1935. Cmd. 5091	
Post Office Committee (Chairman: The P.M.G. or Asst. P.M.G.)	1937	P		
Committee on Juvenile Labour in the Post Office (Chairman: T. H. Boyd, Esq., C.B.)	1938	T	Not reported	

This list includes all the more important committees appointed by the Post Office, 1919–39, but may not be absolutely complete for the years 1919–32.

P = Permanent or standing committee. T = Temporary or *ad hoc* committee.

ADVISORY COMMITTEES APPOINTED BY THE COLONIAL OFFICE

Title	Date of Appointment or of Report in the case of *ad hoc* Committees	Character	Reference Number of Report in the case of *ad hoc* Committees	Referred to on page(s)
Colonial Advisory Medical Council	1909	P		
Colonial Survey and Geophysical Committee	1905	P		
Advisory Committee on Education in the Colonies	1929	P		
African Liquor Traffic Control Committee	1924	P		
Discovery Committee	1923	P		
Colonial Advisory Council of Agricultural and Animal Health	1929	P		
Colonial Development Advisory Committee	1925	P		
Committee on Agricultural Research (Colonial)	1928	T	Cmd. 3049	
Lord Lovat's Committee on Agricultural Research in Non-self-governing Dependencies	1927	T	Cmd. 2825	
Colonial Films Committee	1930	T	Cmd. 3630	
Earl Buxton's Committee on Colonial Governors	1928	T	Cmd. 3059	
Empire Cotton Growing Committee	1919	T	Cmd. 523	
Advisory Committee on Education in the Colonies	1933	T	N.P.P. 334	
Committee on Gold Production in the Empire	1919	T	Cmd. 11	
Committee on Legal Procedure—Enforcement of Foreign and Colonial Judgments	1919	T	Cmd. 251	
Colonial Research Committee	1920	P		
Lord Dunedin's Committee on Compensation for Injuries in Ireland*	1926	T	Cmd. 2748	
Distress Committee*	1924	T	Cmd. 2032	
Committee on Sir Hugh Lane's Pictures*	1926	T	Cmd. 2684	
Commission on Financial Situation in Mauritius	1932	T	Cmd. 4034	
Palestine—Disturbances Committee	1921	T	Cmd. 1540	
Palestine—Shaw Commission	1930	T	Cmd. 3530	
Africa—E. and C. Africa Closer Union Commission	1929	T	Cmd. 3234	
East Africa Commission	1925	T	Cmd. 2387	
Kenya—Land Commission Report	1934	T	Cmd. 4556	
Kenya—Schuster Committee Report	1926	T	Cmd. 2701	
Northern Rhodesia—Constitution (Buxton Committee)	1921	T	Cmd. 1471	
Southern Rhodesia—Constitution (Buxton Committee)	1921	T	Cmd. 1273	
West Indies—Closer Union Commission	1933	T	Cmd. 4383	
West Indies—Currency Committee	1923	T	Cmd. 1894	
West Indies—Shipping Committee Report	1919	T	Cmd. 372	
West Indies—Sugar Commission	1930	T	Cmd. 3517	
West Indies Royal Commission	1938	T		
British Guiana Commission	1927	T	Cmd. 2841	
Malta—Royal Commission	1932	T	Cmd. 3993	
Palestine Royal Commission	1937	T	Cmd. 5479	
Palestine—The Partition Commission	1938	T	Cmd. 5854	
Commission on Broadcasting Services in the Colonies	1936	T	C.O. 1839	
Standing Advisory Commission on Penal Administration	1936	P		
Royal Commission on Development of Nyasaland	1938	T	C.O. 152	
Royal Commission on Rhodesia-Nyasaland	1939	T	Cmd. 5949	

* The Committee were appointed before the Dominions Office was formally established. It is for this reason that they appear in the C.O. list.

P = Permanent or standing committee. T = Temporary or *ad hoc* committee.

ADVISORY COMMITTEES APPOINTED BY THE DOMINIONS OFFICE

Title	Appointed	Reports	Referred to on page(s)
Oversea Settlement Committee	1910	Annual. (Last report was published in 1936 when the Oversea Settlement Board was set up.)	
Oversea Settlement Board	1936	Interim Report 1936. (Cmd. 5314) Report 1938 (Cmd. 5766)	
Royal Commissions:—			
Newfoundland	1933	1933 (Cmd. 4480)	
*Rhodesia-Nyasaland	1938	1939 (Cmd. 5949)	
Commissions:—			
Swaziland: Commission on Financial and Economic Situation ..	1931	1932 (Cmd. 4383	
Bechuanaland Protectorate: Commission on Financial and Economic Position	1932	1933 (Cmd. 4368)	
Basutoland: Financial and Economic Position	1934	1935 (Cmd. 4907)	

* See also Colonial Office List.

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NOTE.—*In the following Index the word "Committee" is to be taken to cover Royal Commissions, Courts of Inquiry, and all forms of advisory bodies.*

Page references to advisory bodies will be found in the Appendix under the appropriate department, and not in this Index.

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