

# THE PRINCIPLES & PRACTICE OF THE SYSTEM OF CONTROL OVER PARLIAMENTARY GRANTS

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# PRINCIPLES & PRACTICE OF THE SYSTEM OF CONTROL OVER PARLIAMENTARY GRANTS

BY

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WITH A FOREWORD BY SIR CHARLES HARRIS, K.C.B. Assistant Financial Secretary, War Office

By Special Appointment



to His Majesty the King

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# To

# The Right Honourable DAVID LLOYD GEORGE P.C. D.C.L. LL.D.

Prime Minister of Great Britain and Ireland First Lord of the Treasury

> THIS BOOK IS DEDICATED BY PERMISSION

# FOREWORD

R ED tape is a rhetorical name given to fixed routine by critics who fail to see its utility. Frequently the routine is useful and the failure is due to narrowness of the critic's field of vision. Sometimes the utility does not exist and the routine is pernicious. The mere use of the name proves nothing.

There are some who confidently assert that pernicious red tape is deliberately manufactured by hide-bound officials, of sheer naughtiness. Others, more charitably, opine that it is produced unwittingly by multitudes of industrious workers, each blindly making his own little addition until, like a coral reef, the mass becomes a barrier within which reigns deep peace, whatever currents or waves of activity may beat upon it from without. But, in fact, all red tape is in its origin designed to serve some useful purpose. This book exhibits it in the making and shows it as the product, not so much of nameless officials as of Statesmen, Parliamentary Committees, and other august bodies who in the course of many years have laid down with full deliberation the main lines of the system on which the public expenditure of the country is controlled.

System or routine, like drill in an army, is a substitute for conscious action. The best way of doing anything having been once for all thought out and reduced to a routine, the directing mind thereafter effects its aims through the mechanical action of subordinates, each performing his prescribed movement without needing to comprehend the general plan. And therein lies the danger; for such a routine is apt to petrify and outlast its day, so passing into the pernicious variety of red tape. As one to whose lot it has fallen to disburse and account for a larger aggregate of public money than perhaps anyone who has hitherto existed, I have been led to

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appreciate to the full how narrow is the path between deficiency and excess of routine, between financial disorder and futile formality. Any department that would keep this happy mean should have among its members a sufficient number who grasp the scheme as a whole, and will see from time to time how far any part of its routine has become meaningless or requires modification to meet new conditions. But no adequate presentation of the system of control of expenditure has hitherto been readily available; and for this reason I cordially welcome the appearance of Colonel Durell's book, which is admirably adapted to the needs of the financial official, of whatever grade, who aspires to be more than a lifeless cog in the vast machine of our administration.

To the student of public affairs, also, this codification of the whole subject, with its systematic citation of original authorities on every point, should constitute an invaluable work of reference.

And finally, if there be any who, looking at the present achievements of Parliament in the field of control of expenditure, are tempted to conclude impatiently that the whole scheme is outworn and requires radical reconstruction, they above all others should study this book. For the system, whatever its present measure of success, was constructed by great administrators to meet real needs; and he only is competent to rebuild who knows the strength as well as the weakness of the existing structure.

WAR OFFICE : April 1917.

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# PREFACE

O science ever attains perfection. No system ever arrives at finality. The progress of civilisation, the development of human intellect, the increase of knowledge and experience, the growth of national life—all tend to render obsolete those sciences and established systems which yesterday may have been thought to be perfect. It is necessarily and naturally so. Changed conditions demand new methods, revision of existing ones. Necessity stimulates inventions.

In the pursuit of efficiency there can be no stagnation. 'Things left to take care of themselves inevitably decay.'1 Progress is essential as well as permanence; and progress is only possible if it is realised that methods and practices, which however good in themselves are no longer suitable to contemporary conditions, must be amended. Ancient practices, thought by our ancestors to be absolutely necessary, may have to be abolished, and alterations suggested which are opposed to the opinion of past ages, if such practices are no longer applicable to present conditions and if such alterations are peremptorily demanded by a due regard to the public interest.<sup>2</sup> Principles, on the other hand, if sound, remain unchanged. They are not affected by such considerations. They constitute the solid foundation on which systems are built up. The waiving of an established principle in order to secure an improvement in system requires very strong justification, and should only be resorted to if the aim in view is essential and can be achieved by no other means.

In the development of sciences and systems the rate of progress will vary from time to time, according to the

1 Rep. Govt., p. 22.

<sup>a</sup> Commissioners of Public Accounts, 1831. P.P. x. p. 23.

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prevailing atmosphere of the times. It may be slow and apparently stagnant for long periods. At other times it will make rapid headway as a result of revival of interest in the subject, increased activity, or important discoveries.

So it has been in the science of public finance, of which public accounting constitutes such an important part. From the most elementary and primitive stage, suited to primitive peoples and early epochs of civilisation, it has gradually developed into the intricate and comprehensive science needed by modern civilisation and economics. 'Political evolution,' says Bastable, ' is not a direct movement towards a definite goal; it is rather a series of efforts following the line of least resistance at any given time.' The same may be said of a system of public finance, which is inevitably bound up and develops with the political evolution of the state.

The subject matter of this work deals with but one branch of the system of public finance. The reader who wishes to obtain a general grasp of the whole system cannot do better than study 'The Financial System of the United Kingdom,' by Mr. Henry Higgs, C.B., and Mr. Hilton Young's work on 'National Finance.' The portion of the subject which is more particularly elaborated in the following pages is one which merits careful. study if the nature and working of public economy is to be thoroughly grasped; for in dealing with the science of finance it is not sufficient to merely consider public revenue and expenditure with the relation that exists between them. Problems of administration and control form an integral part of that science.<sup>1</sup> The principles of parliamentary control over grants, the agencies by which such control is effected, and the working practice of the system are therefore important not only in themselves, but also as a vital section of the whole science of public finance under the English constitution. The successful development of financial control to the pitch it has now reached is largely due to the peculiarly flexible nature of the laws of the constitution, which make it capable of being adjusted to new conditions. This power of adaptability has obviated the necessity for revolution, and the result has therefore been achieved without sacrificing the landmarks of the The problem of English constitutional history, constitution.

<sup>1</sup> Bastable, Pub. Fin., VI. i. § I.

in the words of Sidney Low,<sup>1</sup> has been that of reconciling the theory with the facts, and of adapting the apparatus to its purpose without absolutely taking it to pieces and reconstructing it on other lines. The working efficiency of the system is a measure of the practical, though often unconscious, skill with which the process has been performed.

The growth of the system of parliamentary control over the grants, which is mainly secured by public accounting and audit, was much slower in arriving at maturity than other branches of public finance, as a result in the main of two causes: Firstly, the natural disinclination on the part of those entrusted with public money to have their actions controlled, and, secondly, the failure of Parliament to appreciate the principles on which public accounting should be based, publicity and responsibility. So long as the second cause remained, there was no motive power for removing the first.

It was not until the middle of the nineteenth century that the real awakening came. Practically by a single stroke the old system was then overthrown, and there was established in its place one which, though neither perfect nor complete, was so solidly founded that it has been able to be developed and improved since that time without any alteration of the sound principles on which it was built.

The Exchequer and Audit Act of 1866, which brought this change about, has been described as the charter of our financial system,<sup>3</sup> and was regarded by the Public Accounts Committee as 'marking the commencement of a new era in our financial history.'<sup>3</sup> Unpopular at first because it imposed restraint in place of unfettered irresponsibility, it soon proved its value not only to Parliament, but also to those who were brought under control, and is now universally recognised as supplying the best foundation which could have been devised for the English constitutional system.

With the experience of fifty years' working of the act to draw upon, the present is a fitting time for a review of the system, and for presenting a summary of the various decisions, interpretations, and amendments which practice or changing conditions have shown to be necessary. A similar review

> <sup>1</sup> Governance of England, p. 5. <sup>2</sup> C.N.E., 1903, Ev. 1206. <sup>3</sup> I R. 1870, 2.

#### PREFACE

in a summarised form of the history and subsequent developments of financial procedure under the act was recently presented to the Public Accounts Committee in a valuable memorandum prepared by the Comptroller and Auditor General,<sup>1</sup> and may be usefully referred to by the reader.

Though the Exchequer and Audit Act provides the foundation and starting-point for our present system, the working out of the system to a satisfactory conclusion has depended as much upon the administration and interpretation of the act as upon the act itself. Machinery has no action of itself. Its usefulness is in proportion to the merits of the contrivances adopted for bringing it into play. Unless these contrivances are efficient the potential power of the machine, however great, would be wasted and of no effect.<sup>2</sup> In the act Parliament furnished the machine. Its administrators have driven it and developed its powers.

In the following pages an endeavour has been made to supply a consecutive and harmonious exposition of the system by collating under convenient headings the accepted interpretations which have been placed upon the act, the decisions and regulations of the Treasury which bear upon the system, and the financial principles generally which have been accepted as binding, after discussion before the Public Accounts Committee. To the administrators who have studied the system there will consequently be little if anything in the work that is not already known to them; but the hope is entertained that the arrangement will provide the information in a form more convenient for reference. To that wider circle which may be acquainted with only a portion of the system, it is hoped that the work may be useful in providing a source of information which will enable a comprehensive grasp of the whole to be more easily obtained than is at present available, while at the same time suggesting the sources which will provide detailed information on any particular point. Though it may be only a comparatively small circle in each public department which is concerned with the higher and more complicated branches of accounting and finance, yet the work of all who are cogs in the wheel is governed by the same underlying principles. A knowledge of the whole system

<sup>1</sup> Cd. 8337, 1916.

\* Cp. Mill, Rep. Govt., p. 31.

and of those principles cannot therefore but be of general value and tend to an increase in the efficiency of the work of the public service. Such a knowledge not only leads to more intelligent execution of subordinate work by explaining the reason for methods which are otherwise accepted as purely arbitrary, but also enables the subordinate to make the fullest possible use of opportunities which would otherwise be missed. The wider the knowledge of the general system and its principles, and the relative position of each portion of the work to the whole, the greater the benefit to the public, as well as to the individual of whatever rank or status.

In the compilation of a work of this description it has frequently been difficult to determine the limits to be placed upon the discussion of different points; to agree as to what information, valuable in itself, may be excluded without detracting from the general usefulness of the work; to decide upon the features which demand elaboration.

The object aimed at has been to provide a work of sufficient scope to enable a comprehensive view of the whole subject to be obtained, without overloading it with details of purely local, departmental, or technical matters which are of interest to those immediately concerned, but do not bear upon or influence the main system, or illustrate general principles.

In following out this plan, it is only too probable that some useful matter may have been omitted, or some subjects touched upon too briefly or not at all, which might with advantage have been included or enlarged upon. Even if this be so, the work should still to some extent fulfil the purpose for which it has been compiled. Again, too, some difficulty has been experienced in the arrangement of the matter. It will be found that points are occasionally dealt with at length in the chapter in which they originate, though portions of the subject might equally appropriately have been transferred to another chapter where the same subject is referred to, and necessarily so in connection with the subject matter of that chapter. Though this has resulted in a certain amount of repetition, it possesses the advantage of eliminating too many cross-references.

My best thanks are due to Mr. M. S. Kelly of the Exchequer and Audit Department, who, at a time of great pressure of

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work, has readily afforded me valuable assistance in pointing out obscurities and correcting errors in the original manuscript, thus adding to the usefulness of the completed work. To Mr. H. J. Edwards, I.S.O., of the War Office, I also owe a deep debt of gratitude for his kindly encouragement and readiness at all times with information or explanation during the years over which the compilation of the work has been spread. Nor can I let this opportunity pass without tendering my thanks to others who have from time to time placed their knowledge and experience at my disposal, nor without placing on record my appreciation of the courtesy and willingness to assist the inquirer which I have experienced in the Reading Room of the British Museum, the Advocates' Library at Edinburgh, and the War Office Library.

If this book helps to fill up a niche in the literature of the English financial system and achieves its objects of furnishing a work of reference for the administrator, a handy source of information for the student, and further leads to a more extensive study of the subject among that large class of public servants who are only immediately concerned with one particular, and perhaps subordinate, link in the system, its compilation will be fully justified.

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# **ABBREVIATIONS**

#### USED IN THE MARGINAL REFERENCES.

NOTE.—Where the pages of parliamentary papers are quoted, the reference is to the paging of the volumes as arranged for the House of Commons, except in the case of appendices to the reports of the Public Accounts Committee.

H.C. (384)	Paper printed by order of the House of Commons. Sessional number (384)
C	Paper presented to Parliament by Com- mand up to 1899.
Cd	Paper presented to Parliament by Com- mand from 1900 onwards.
С.Ј	Commons Journal.
Hans. (3 s., ccxvi. 1498)	Hansard Parliamentary Reports. (3rd series, vol. ccxvi. column 1498.)
Parl. Deb	Parliamentary Debates. Authorised edition, commencing with 4th series, 1802.
P.P	Parliamentary Papers as bound in volumes for the House of Commons.
T.L	Treasury Letter.
Т.М	Treasury Minute.
S.O	Standing Order of House of Commons.
(3) R. (1889) (4)	(Third) Report of the Public Accounts Committee of (1889), (para. 4). For references to Parliamentary Papers see following table.
(3) R. 1889 (4) T.M.	Treasury Minute on the same.
R.E.C. (1912)	Report of the Estimates Committee of (1912).
Ev. (999)	Reply to question (999) of the evidence taken before a committee and printed with the report.
Adm. Exp	Report of Select Committee on the Admiralty (Expenditure and Liabili- ties). H.C. 311, 1884/5, P.P. vol. vii. xxi

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A. & N. Est. Com.	•	Report of Select Committee on Army and Navy Estimates, 1887. H.C. 216,
A. Est. Com.	•	223, 232, 239, 259/1887, P.P. vol. viii. Report of Select Committee on Army Estimates, 1888. H.C. 120, 212, 225,
C. & A.G. Memo.	•	269, 295/1888, P.P. vols. viii. and ix. Memorandum by the Comptroller and Auditor General. Fifty years of the Exchequer and Audit Departments Act, 1916, Cd. 8337; also printed as App. to 2 R. 1916.
C.N.E	•	Report of the Committee on National Expenditure. Vol. i. Evidence and Appendices. H.C. 387, P.P. vol. vii. 1902. Vol. ii. Report and Evidence H.C. 242, P.P. vol. vii. 1903.
C.P.M. (1856 or 1857)		
E. & A. Act .	•	Exchequer and Audit Departments Act 1866.
Est. Pro	•	Report of Select Committee on Estimates Procedure, 1888. H.C. 281/1888, P.P. vol. xii.
Manuf. Dept	•	Report of Committee on Organisation and Administration of the Manu- facturing Departments of the Army. C. 5116/1887.
N. Est. Com.	•	Report of Select Committee on Navy Estimates, 1888. H.C. 142, 213, 304, 328/1888, P.P. vols. xii. and xiii.
Pub. Inc	•	Report on Public Income and Expendi- ture, Appendix 13. H.C. 366 I.,
R.D. Est. Com	•	1868-69, P.P. vol. xxxv. p. 810 et seq. Report of Select Committee on Revenue Departments Estimates, 1888. H.C.
R.C. Civ. Estab	•	272/1888, P.P. vol. xviii. Report of Royal Commission on Civil Establishments, 1887 and 1888. 1st
R.C.S.A. War .	•	Report, C. 5226; 2nd Report, C. 5545. Report of the Royal Commission on the
S.A. War Stores	•	South African War, 1903. Cd. 1789. Report of the Royal Commission on South African War Stores, 1906. Cd. 3127.

# ABBREVIATIONS

W.O. Org	. Report of the Committee on War Office
	Organisation (Clinton Dawkins Com- mittee), 1901. Cd. 580.
W.O. Reconst	. Report of the War Office Reconstitution Committee (Esher Committee), 1904. Cd. 1932, 1968, 1968–1, 2002.
Anson, Con	. The Law and Custom of the Constitution. By Sir W. R. Anson, 3rd edition, vol. i. 1887; vol. ii. Pt. I. 1907; Pt. II. 1908.
Army Fin	Army Finance. Lecture delivered by Sir C. Harris, K.C.B., published in Army Review, vol. i. No. 1, pp. 59-76.
Bagehot, Eng. Con.	. The English Constitution. Walter Bage- hot, 1872 edition.
Bastable, Pub. Fin.	. Public Finance. C. F. Bastable, 3rd edition, 1903.
Bowles, Nat. Fin.	. National Finance, 1904, 1905, 1908. T. Gibson Bowles, 10th edition, 1915.
Clode, Mil. Forces	. The Military Forces of the Crown. C. M. Clode.
Dicksee	. Auditing. L. R. Dicksee, 10th ed., 1915.
Gov. of Eng.	. The Governance of England. Sidney
Hatsell	Low, revised edition, 1914. Precedents of Proceedings in the House of Commons, vol. iii. 1818. John Hatsell.
Hallam, Con. Hist.	. The Constitutional History of England.
Hist. S.A. War	Henry Hallam, 1854 edition. . The Times History of the South African
Life of Gladstone	War, vol. vi. . The Life of W. E. Gladstone. John Marken 2000
May, Parl. Prac	Morley, 1903. The Law, Privileges, Proceedings, and Usage of Parliament. Sir T. Erskine May, 11th edition, 1906.
May, Con. Hist	. The Constitutional History of England. Sir T. Erskine May, 1871 edition, and vol. iii. of 1912 edition.
Reign of Q. Victoria.	. The Reign of Queen Victoria. Edited by T. H. Ward, 1887.
Rep. Govt	. Considerations on Representative Gov-
Redlich, H. of C.	ernment. J. S. Mill, 2nd ed., 1861. . The Procedure of the House of Commons. Josef Redlich. Translated by A. E. Steinthal 1008
Todd, Parl. Govt.	Steinthal, 1908. . Parliamentary Government of England. A. Todd. Revised by Walpole, 1892.

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	-	REPORTS	OF PUBLIC	Accoun	ITS COM	MITTEE	
Rej	port.	H. of C. sessional number.	P.P. volume and year,	Rej	port.	H. of C. sessional number.	P.P. volume and year.
1861.	1 2	329 367 )		1872.	I 2	104 198	vii. 1872
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1864	<b>4</b>	494	viii. 1864		3	324)	viii. 1877
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1912	277	vii. 1912
1913	231	vi. 1913
1914	429	vii. 1914

Note.—The treasury minutes on the reports of the committees are usually handed in by the representative of the Treasury to the committee of the following year, and have been printed as an appendix to the parliamentary paper containing the reports of that year since 1876, except in 1888, when the minute on the 1887 report appears in H.C. 86/1888, and in 1909 when the minute on the 3rd report of that year was printed as appendix 16 to the 1909 reports. Prior to 1876 the minutes were not systematically printed, but the following are to be found as shown :—

Minute on	Tst r	eport	1861		in	H.C.	220/1862
	2nd	,,	1862		,,	,,	52/1863
,,		,,	1862	(50)	,,	,1	110/1863
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