



BRIEFING PAPER

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Limitations on the number of ministers

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Summary

This House of Commons Library Briefing Paper reports the legal restrictions on the number of ministers receiving a salary and the number of ministers sitting in the House of Commons. It includes statistics on the number of ministers in each Chamber following each general election since 1979. Lastly, it sets out calls from the Public Administration Select Committee and others for the number of ministers and the payroll vote to be reduced.

The [*Ministerial and Other Salaries Act 1975*](#) sets out the maximum number of paid ministerial posts. The maximum number is 109; this is broken down by category.

The [*House of Commons Disqualification Act 1975*](#) provides that not more than 95 holders of Ministerial offices may sit and vote in the House of Commons at any one time. There is no equivalent legal restraint on the number of Ministers in the Lords.

The total number of ministers in government posts in June 2017, following the general election and reshuffle of Theresa May's Government, was 118. This was the same number as under the Cameron administration in May 2015, but more than all other post-1979 general elections bar 2010. There are nine unpaid ministers in Theresa May's June 2017 Government.

The Prime Minister is able to invite Ministers to attend Cabinet without making them Cabinet Ministers. There are five people in Theresa May's June 2017 Government who attend Cabinet without being full Cabinet Ministers.

There is no formal definition of the payroll vote. It is generally considered to refer to all those who hold a role in the administration, whether paid or unpaid. This includes senior roles, as well as more junior roles including Parliamentary Private Secretaries (PPSs). The proportion of Members of the House of Commons who have been part of the payroll vote has varied from 19-22% between 1979 and 2017.

There have been calls for the size of the payroll vote to be limited. Most recently, in a 2011 report, the Public Administration Select Committee noted that the proportion of those holding government posts would be exacerbated by the proposed reduction in the size of the House of Commons from 650 to 600 following the forthcoming Boundary Review. Their recommendations included cutting the number of PPSs to one per Government Department and that the *Ministerial and Other Salaries Act 1975* should be seen as imposing a strict limit on paid and unpaid ministers.

1. Statutory limitations

1.1 Paid appointments

The [Ministerial and Other Salaries Act 1975](#) sets out the maximum number of paid ministerial posts. The maximum number is 109; this is broken down by category:

- There can be up to 21 Cabinet Ministers excluding the Lord Chancellor (in the Act, the Lord Chancellor is listed separately).
- There can be up to 50 Cabinet Ministers, Ministers of State, and other ministers heading government departments. Assuming that the maximum number of paid Cabinet Ministers are appointed, there can be a maximum of 29 other such ministers.
- There can be a total of 83 Cabinet Ministers, Ministers of State and other ministers, and Parliamentary Secretaries. Therefore, if the maximum number of Cabinet Ministers and Ministers of State are appointed, there can be a maximum of 33 Parliamentary Secretaries (excluding the Parliamentary Secretary to the Treasury – known as the Chief Whip – who is a Cabinet Minister or Minister of State).
- There can be up to 3 law officers.
- There can be up to 22 whips.

This framework limits the total number of ministers who may receive a salary, but the Prime Minister has some flexibility depending on the total number of appointments he or she wishes to make in each group. There is also some flexibility in unpaid appointments, and the Prime Minister can also invite Ministers to attend Cabinet without giving them the rank of Cabinet Minister.

1.2 Ministers in the House of Commons

The [House of Commons Disqualification Act 1975](#) provides that not more than 95 holders of Ministerial offices may sit and vote in the House of Commons at any one time. The list of ministerial posts is set out in Schedule 2 to the Act and includes all government posts including Whips.

In his book, *Ministers of the Crown*, Rodney Brazier comments that the intention of this restriction is to “strike a balance between the number of Ministers sitting in the House of Commons and the total membership of that House”.¹

There is no equivalent legal restraint on the number of Ministers in the Lords. The number of Ministers in the House of Lords is considered in a separate briefing paper, [Ministers in the House of Lords](#).

¹ Rodney Brazier, *Ministers of the Crown*, 1997, p37

2. How many ministers are there?

2.1 The size of the “payroll vote”

There is no formal definition of the payroll vote. It is generally considered to refer to all those who hold a role in the administration, whether paid or unpaid. This includes senior roles, as well as more junior roles including Parliamentary Private Secretaries (PPSs).

The table below shows the number of ministerial posts at different ranks, the number of whips and the number of PPSs following each general election since 1979.

In June 2017 there were 23 Cabinet Ministers (the 21 allowed under the 1975 Act plus the Lord Chancellor and the Conservative Party Chairman, who does not receive a government salary). The number has fluctuated between 21 and 23 since 1979. The total number of ministers in government posts in June 2017 was 118, the same as David Cameron’s administration in May 2015 but more than all other post-1979 general elections bar 2010.²

2.2 Number of ministers attending Cabinet

The Prime Minister is able to invite Ministers to attend Cabinet without making them Cabinet Ministers. There are five people in Theresa May’s June 2017 Government who attend Cabinet without being full Cabinet Ministers.³

2.3 Unpaid ministers

The Prime Minister is also able to appoint ministers without paying them. There were nine unpaid ministers in Theresa May’s June 2017 Government.⁴ In addition, David Lidington is paid as Lord Chancellor, but not as Secretary of State for Justice (he holds the two roles simultaneously). There are some post holders that simultaneously hold Parliamentary Under-Secretary of State (PUS) roles and roles as whips. In these cases, they are only paid in one capacity, that of whip.⁵

² The number of ministers in June 2017 is taken from the Government website, [Full List of Government and Ministerial Appointments: June 2017](#), 20 June 2017

³ Chief Secretary to the Treasury (Rt Hon Elizabeth Truss MP); Lord President of the Council and Leader of the House of Commons (Rt Hon Andrea Leadsom MP); Parliamentary Secretary to the Treasury (Chief Whip) (Rt Hon Gavin Williamson MP); Attorney General (Rt Hon Jeremy Wright MP); and Minister of State (Home Office) (Rt Hon Brandon Lewis MP)

⁴ Chancellor of the Duchy of Lancaster and Conservative Party Chairman (Rt Hon Patrick McLoughlin MP); Minister of State at the Foreign Office (Rt Hon Mark Field MP); Minister of State at the Ministry of Defence and Deputy Leader of the House of Lords (Rt Hon Earl Howe); Minister of State at the Department for International Development (Lord Bates); PUS at the Department for Education (Lord Nash); Government Whip and Lord Commissioner of HM Treasury (David Rutley MP); Assistant Government Whip (Nigel Adams MP); Baroness in Waiting (Baroness Chisholm of Owlpen); Baroness in Waiting (Baroness Goldie DL)

⁵ Guto Bebb, Chloe Smith and Baroness Buscombe are PUSs paid as whips

6 Limitations on the number of ministers

Size of the payroll vote since 1979

	1979	1983	1987	1992	1997	2001	2005	2010	2015	2017
Cabinet Ministers (Total)¹	22	21	21	22	22	23	23	23	22	23
MPs	19	18	18	20	20	21	21	21	21	22
Peers	3	3	3	2	2	2	2	2	1	1
Non-Cabinet Ministers (Total)²	33	33	31	32	34	31	30	32	36	35
MPs	25	26	25	26	27	25	25	28	28	28
Peers	8	7	6	6	7	6	5	4	8	7
Junior Ministers (Total)	31	29	32	33	34	35	37	38	35	37
MPs	28	25	27	25	27	27	29	29	25	28
Peers	3	4	5	8	7	8	8	9	10	9
Whips (Total)	20	20	20	20	22	22	23	25	25	23
MPs ³	13	13	13	13	15	15	15	16	17	15
Peers	7	7	7	7	7	7	8	9	8	8
TOTAL IN GOVERNMENT POSTS	106	103	104	107	112	111	113	118	118	118
MPs	85	82	83	84	89	88	90	94	91	93
Peers	21	21	21	23	23	23	23	24	27	25
MPs acting as unpaid PPSs ⁴	-	40	40	41	45	58	45	46	41	46
Total MPs counted as "payroll vote"	-	122	123	125	134	146	135	140	132	139
% total MPs counted as payroll vote	-	19%	19%	19%	21%	22%	20%	22%	20%	21%

1 This includes some occasions where the Conservative Party Chairman was a member of the Cabinet but paid by the Party not the Government

2 This figure includes law offices

3 The Chief Whip (Parliamentary Secretary to the Treasury) is normally listed with non-Cabinet Ministers except in 2001 and 2005 when the postholder was in the Cabinet

4 The figures for Parliamentary Private Secretaries are only approximate. Appointments have been changed frequently and without public notice. Posts are often left vacant for weeks or months. Figure for 2015 taken from response to FoI request published on the "Who Runs Britain" blog, 24 November 2010 - the other 2010 figures are for May 2010.

Figure for 2016 taken from information published in September 2016

Sources: Dod's Parliamentary Companion, 1980, 1988, 1993, 1998, 2002, 2006, 2011

Hansard lists of HM Government

House of Commons Parliamentary Information Lists

Who runs Britain, [List of Parliamentary Private Secretaries: a reply from No 10](#), November 2015

["Parliamentary Private Secretaries: full list"](#), *ConservativeHome*, 28 June 2017

2.4 Parliamentary Private Secretaries (PPSs)

Parliamentary Private Secretaries (PPSs) are selected from backbench MPs to be the 'eyes and ears' of the minister in the House of Commons. They are appointed by ministers directly. Being a PPS is an unpaid job, however, they are considered part of the "payroll vote" as they are recipients of a level of patronage and there are restrictions on their ability to speak against or question the Government.

Although PPSs are not Members of the Government, the *Ministerial Code* states that they are expected to support the Government of the day. There are restrictions on PPSs asking questions of the Government department they are associated with in the House of Commons, and on their sitting on departmental select committees:

3.9 Parliamentary Private Secretaries are expected to support the Government in divisions in the House. No Parliamentary Private Secretary who votes against the Government can retain his or her position.

3.10 Parliamentary Private Secretaries should not make statements in the House nor put Questions on matters affecting the department with which they are connected. They are not precluded from serving on Select Committees, but they should withdraw from any involvement with inquiries into their appointing Minister's department, and they should avoid associating themselves with recommendations critical of or embarrassing to the Government. They should also exercise discretion in any statements outside the House.⁶

Information about PPSs is published periodically by the Government. Up-to-date information can be difficult to ascertain as there can be high turnover in the role.

For more information about PPSs please see the Library Standard Note [Parliamentary Private Secretaries](#).

⁶ Cabinet Office, [Ministerial Code](#), December 2016, paras 3.09-3.10

3. Proposals to reduce the size of the payroll vote

The Public Administration Select Committee has considered the size of the payroll vote in a number of reports. In March 2010 they noted the “ever-upward trend in the size of government over the last hundred years or more”. They argued that “this was hard to justify objectively in the context of the end of Empire, privatisation, and, most recently, devolution to Scotland, Wales and Northern Ireland”.⁷ They recommended that:

There is a strong case for re-examining the number of government ministers that the country needs, as well as the statutory limits on the numbers that currently exist.⁸

The Committee went on to recommend that the *Ministerial and Other Salaries Act 1975* should be considered as setting an absolute limit on the number of ministerial posts, paid or unpaid. They further recommended that the number of ministerial posts should be cut, possibly by as much as a third, arguing that:

...it would be better for government, for the public purse and for ministers themselves if the number of ministers were reduced, possibly by as much as a third. Cutting the number of ministers would also be consistent with smaller, smarter government.⁹

The Committee also recommended that the Ministerial Code should be amended to limit the number of PPSs to one for each department or Cabinet Minister.¹⁰ They recommended that the limit in the *House of Commons Disqualification Act 1975* on the number of ministers sitting in the House of Commons should include all those who hold office connected to the Government, including PPSs.¹¹ Overall, they recommended that the payroll vote should be limited to 15% of the membership of the House of Commons. In a House of Commons of 650 Members that would mean no more than 97 ministers and PPSs.

The Committee returned to the matter in 2011 with their report, *Smaller Government: What do Ministers do?*¹² This noted that the proportion of those holding government posts would be exacerbated by the proposed reduction in the size of the House of Commons. They argued:

Currently 141 Members—approximately 22% of the House of Commons—hold some position in the Government. This is deeply corrosive to the House of Commons primary role of acting as a check on the Executive, and will be made worse by the Government’s plans to reduce the number of MPs. One simple step the Government should take immediately to limit this size of

⁷ Public Administration Select Committee, [Too Many Ministers?](#), 16 March 2010, HC 457, 2009-10, para 5

⁸ *Ibid*

⁹ *Ibid*, para 21

¹⁰ *Ibid*, para 33

¹¹ *Ibid*, para 35

¹² Public Administration Select Committee, [Smaller Government: What do ministers do?](#), 1 March 2011, HC 530 2010-11

the payroll vote would be to limit the number of Parliamentary Private Secretaries to one per Secretary of State. If this was done it would result in 26 fewer Members being on the payroll vote.¹³

The Committee repeated the recommendation of its predecessor Committee, that the *Ministerial and Other Salaries Act 1975* should be seen as imposing a strict limit on paid and unpaid ministers.¹⁴

The Committee also recommended that the number of ministers in the House of Commons should be reduced in line with the reduction of MPs. The Committee recommended that the total number of ministers should be reduced to 80 over the course of the Parliament:

...in line with the Prime Minister's desire to reduce the cost of politics, and following the decision to reduce the number of MPs, the Government needs to legislate for a corresponding reduction in the upper limit for the number of ministers. This should be done by reducing the number of ministers who can sit in the Commons as set out in the *House of Commons Disqualification Act 1975*. These changes should take effect in 2015, when the reduction in the number of MPs also comes into force.¹⁵

In the event, the reduction in the number of MPs has been delayed and is due to come into effect at the general election scheduled for May 2022.

The Committee suggested that one way of reducing the number of ministerial posts would be by redistributing some functions to the whips, for example, responding to adjournment debates.¹⁶

The Government's response was published in October 2011. This promised to "keep the number of Ministers under review particularly in the light of its proposals on House of Lords reform and changes to the number of Parliamentary constituencies".¹⁷

In 2000 the Norton Commission, which had been established by William Hague while he was Leader of the Conservative Party, published its report, *Strengthening Parliament*. The Commission's summary of conclusions included capping the size of the Cabinet at 20, the number of junior ministers at 50, and limiting the number of PPSs to one per department.¹⁸

The Hansard Society Commission on Parliamentary Scrutiny (the Newton Commission) published its report in 2001 and also recommended that all but the largest departments should have only one PPS.¹⁹

¹³ *Ibid*, Summary

¹⁴ *Ibid*

¹⁵ *Ibid*, para 100

¹⁶ *Ibid*, para 105

¹⁷ Public Administration Select Committee, [Smaller government: what do ministers do? Further report](#), 31 October 2011, HC 1540 2010-12

¹⁸ Commission to Strengthen Parliament, [Strengthening Parliament](#), July 2000, p64 [a section of the report entitled "Constraining Government" appears on pp48-51]

¹⁹ Hansard Society Commission on Parliamentary Scrutiny, *The challenge for Parliament: making Government accountable*, 2001, para 2.33

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