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6 August 2021

# Limitations on the number of Ministers

## Summary

- 1 Statutory limitations
- 2 How many ministers are there?
- 3 Proposals to reduce the size of the payroll vote

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## Summary

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.

### Ministers in government

The total number of ministers in government posts in December 2019, following the general election and reshuffle of Boris Johnson's Government, was 116.

This was the same as the Government he formed in July 2019. It was fewer than in the Governments formed by David Cameron in May 2010 (118) and May 2015 (118), and fewer than in Theresa May's June 2017 Government (118), but more than all other governments since 1979. There were nine unpaid ministers in Boris Johnson's December 2019 Government.

The Prime Minister is able to invite Ministers to attend Cabinet without making them Cabinet Ministers. There were 10 people in Boris Johnson's December 2019 Government who attended Cabinet without being full Cabinet Ministers.

The [Ministerial and other Maternity Allowances Act 2021](#) means that the Prime Minister can appoint someone else to a role vacated by a Minister going on maternity leave, without exceeding the statutory limits on the number of Ministers

### 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 proportion of Members of the House of Commons who have been part of the payroll vote varied from 19-22% between 1979 and 2017.

There have been calls for the size of the payroll vote to be limited. In a 2011 report, the Public Administration Select Committee noted that the proportion of those holding government posts would be exacerbated by the then proposed reduction in the size of the House of Commons from 650 to 600

following the planned Boundary Review. The Committee's recommendations included cutting the number of PPSs to one per Government Department and that the Ministerial and Other Salaries Act 1975 should be treated as imposing a strict limit on paid and unpaid ministers.

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# 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”.<sup>1</sup>

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](#).

## 1.3 Ministers on maternity leave

The [Ministerial and other Maternity Allowances Act 2021](#) allows the Prime Minister to designate a Minister wishing to take maternity leave as a ‘Minister on Leave’. This designation will not count towards the overall number of Ministers when calculating the statutory limits.

This means that the Prime Minister can then also appoint someone else to the role vacated by the Minister going on maternity leave, without exceeding the statutory limits on the number of Ministers. The designation of Minister on Leave automatically terminates after six months. It is at the discretion of the Prime Minister whether the Minister on maternity leave can return to post they previously held.

In March 2021, Suella Braverman became the first Minister to be designated Minister on Leave. Before taking maternity leave, she was Attorney General. Michael Ellis MP was appointed Attorney General when Ms Braverman went on maternity leave.<sup>2</sup>

Further information on this Act and its passage through Parliament is available in the House of Commons Library briefing paper, [the Ministerial and other Maternity Allowances Bill 2019-2021](#).

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<sup>1</sup> Rodney Brazier, *Ministers of the Crown*, 1997, p37

<sup>2</sup> BBC, [Minister Suella Braverman's maternity cover announced](#), 2 March 2021

## 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, and following the initial appointment of Boris Johnson as Prime Minister in July 2019.

In December 2019 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 December 2019 was 116. This was the same as the Government he formed in July 2019. It was lower than the Government’s formed by David Cameron and Theresa May in May 2010, May 2015 and June 2017, but more than all other post-1979 general elections.<sup>3</sup>

### 2.2 Number of ministers attending Cabinet

The Prime Minister is able to invite Ministers to attend Cabinet without making them Cabinet Ministers. There were 10 people in Boris Johnson’s December 2019 Government who attended Cabinet without being full Cabinet Ministers.<sup>4</sup>

<sup>3</sup> The number of ministers in December 2019 is taken from Hansard, *Her Majesty’s Government*, 19 December 2019; and the Government website, [Ministers](#), [last viewed 5 February 2020]

<sup>4</sup> Chief Secretary to the Treasury (Rt Hon Rishi Sunak MP); Lord President of the Council and Leader of the House of Commons (Rt Hon Jacob Rees-Mogg MP); Parliamentary Secretary to the Treasury (Chief Whip) (Rt Hon Mark Spencer MP); Attorney General (Rt Hon Geoffrey Cox MP); Minister of State (Department for Business, Energy and Industrial Strategy) (Rt Hon Kwasi Kwarteng MP); Minister of State (Cabinet Office and Ministry of Housing, Communities and Local Government) (Rt Hon Jake Berry MP); Minister of State (Ministry of Housing, Communities and Local Government) (Rt Hon Esther McVey MP); Minister of State (Home Office) (Rt Hon Brandon Lewis MP); Minister of State (Department for Environment, Food and Rural Affairs and Department for International Development) (Rt Hon Lord Goldsmith of Richmond Park); Minister of State and Paymaster General (Cabinet Office) (Rt Hon Oliver Dowden MP)

## 2.3 Unpaid ministers

The Prime Minister is also able to appoint ministers without paying them. There were nine unpaid ministers in Boris Johnson's December 2019 Government.<sup>5</sup> In addition, Robert Buckland 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 some of these cases, they are only paid in one capacity, that of whip.<sup>6</sup>

## 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, following the approval of the Prime Minister:

Cabinet Ministers and Ministers of State may appoint Parliamentary Private Secretaries. All appointments require the prior written approval of the Prime Minister. The Chief Whip should also be consulted and no commitments to make such appointments should be entered into until such approval is received.<sup>7</sup>

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<sup>8</sup>

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<sup>5</sup> Minister without Portfolio and Conservative Party Chairman (Rt Hon James Cleverly MP); Minister of State (Department for Environment, Food and Rural Affairs and Department for International Development) (Rt Hon Lord Goldsmith of Richmond Park); Minister of State (Ministry of Defence) (Baroness Goldie DL); Deputy Leader of the House of Lords (Rt Hon Earl Howe); PUS at the Department for Education (Lord Agnew); PUS in the Office of the Secretary of State for Scotland and Government Whip (Douglas Ross MP); PUS at Department for Digital, Culture Media and Sport (Baroness Barran); Government Whip (Maggie Throup MP); and Lord in Waiting (Lord Bethell of Romford)

<sup>6</sup> David Davies and Michelle Donelan are PUSs paid as whips

<sup>7</sup> Cabinet Office, *Ministerial Code*, August 2019, paras 3.6

<sup>8</sup> Cabinet Office, *Ministerial Code*, August 2019, paras 3.9-3.10

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 briefing paper [Parliamentary Private Secretaries](#).

All ministers in government after general elections																			
Cabinet Ministers			Non-Cabinet Ministers			Parliamentary under Secretary			Whips			Total in Government posts			Parliamentary Private Secretaries	Payroll vote in the Commons	Payroll vote as a % of all MPs		
MPs	Peers	Total	MPs	Peers	Total	MPs	Peers	Total	MPs	Peers	Total	MPs	Peers	Total					
1979	19	3	22	25	8	33	28	3	31	13	7	20	85	21	106	-	-	-	
1983	18	3	21	26	7	33	25	4	29	13	7	20	82	21	103	40	122	19%	
1987	18	3	21	25	6	31	27	5	32	13	7	20	83	21	104	40	123	19%	
1992	20	2	22	26	6	32	25	8	33	13	7	20	84	23	107	41	125	19%	
1997	20	2	22	27	7	34	27	7	34	15	7	22	89	23	112	45	134	21%	
2001	21	2	23	25	6	31	27	8	35	15	7	22	88	23	111	58	146	22%	
2005	21	2	23	25	5	30	29	8	37	15	8	23	90	23	113	45	135	20%	
2010	21	2	23	28	4	32	29	9	38	16	9	25	94	24	118	46	140	22%	
2015	21	1	22	28	8	36	25	10	35	17	8	25	91	27	118	41	132	20%	
2017	22	1	23	28	7	35	28	9	37	15	8	23	93	25	118	46	139	21%	
2019	22	1	23	27	6	33	30	10	40	14	6	20	93	23	116	38	131	20%	

Sources: Hansard, [PDF version, page i](#), 19 December 2021;  
 Cabinet Office, [List of Parliamentary Private Secretaries](#), April 2020  
 Dod's Parliamentary Companion, 1980, 1988, 1993, 1998, 2002, 2006, 2011  
 Who runs Britain, [List of Parliamentary Private Secretaries: a reply from No 10](#), November 2015  
 ConservativeHome "[Parliamentary Private Secretaries: full list](#)", 28 June 2017

Notes: The table shows the number of government posts held by MPs or Members of the House of Lords on the first day Parliament sat after a General Election;  
 It does not include Members of the Royal Household in the Lords;  
 Law Officers are included in the total for Non-Cabinet Ministers;  
 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;  
 The figures for Parliamentary Private Secretaries are only approximate

## 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”.<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup>

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.<sup>12</sup> 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.<sup>13</sup> 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.

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<sup>9</sup> Public Administration Select Committee, [Too Many Ministers?](#), 16 March 2010, HC 457, 2009-10, para 5

<sup>10</sup> Ibid

<sup>11</sup> Ibid, para 21

<sup>12</sup> Ibid, para 33

<sup>13</sup> Ibid, para 35

The Committee returned to the matter in 2011 with their report, *Smaller Government: What do Ministers do?*<sup>14</sup> 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 (the *Parliamentary Voting Systems and Constituencies Act 2011* reduces the number of seats to 600). 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 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.<sup>15</sup>

The Committee repeated the recommendation of its predecessor Committee, that the *Ministerial and Other Salaries Act 1975* should be treated as imposing a strict limit on paid and unpaid ministers.<sup>16</sup>

The Committee also recommended that the number of ministers in the House of Commons should be reduced in line with the then planned 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.<sup>17</sup>

In the event, the reduction in the number of MPs was delayed and has subsequently been cancelled by the *Parliamentary Constituencies Act 2020*, which has fixed the size of the House of Commons at 650 MPs.

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.<sup>18</sup>

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<sup>14</sup> Public Administration Select Committee, [Smaller Government: What do ministers do?](#), 1 March 2011, HC 530 2010-11

<sup>15</sup> Ibid, Summary

<sup>16</sup> Ibid

<sup>17</sup> Ibid, para 100

<sup>18</sup> Ibid, para 105

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".<sup>19</sup>

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.<sup>20</sup>

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.<sup>21</sup>

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<sup>19</sup> Public Administration Select Committee, [Smaller government: what do ministers do? Further report](#), 31 October 2011, HC 1540 2010-12

<sup>20</sup> Commission to Strengthen Parliament, [Strengthening Parliament](#), July 2000, p64 [a section of the report entitled "Constraining Government" appears on pp48-51]

<sup>21</sup> Hansard Society Commission on Parliamentary Scrutiny, *The challenge for Parliament: making Government accountable*, 2001, para 2.33

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