



## BRIEFING PAPER

Number 05226, 22 April 2020

# Ministers in the House of Lords

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## Summary

In theory a Government minister does not have to be a member of either House of Parliament. In practice, however, convention is that ministers must be members of either the House of Commons or House of Lords in order to be accountable to Parliament. From time to time, Prime Ministers appoint non-parliamentarians as ministers. In recent years such ministers have been appointed to the House of Lords.

In Boris Johnson's December 2019 administration, there were two Cabinet Ministers in the House of Lords (the Leader of the House of Lords and the Secretary of State for Digital, Culture, Media and Sport). In all, 24 out of the total 116 ministers in government (21%) were in the House of Lords.

In Theresa May's June 2017 administration, the Leader of the House of Lords was the only Cabinet Minister in the House of Lords; 25 out of the total 118 (21%) ministers in government were in the House of Lords. This compares to 23% at the start of the 2015 Cameron administration and 20% at the start of the 2010 Coalition Government.

Concerns were raised about ministerial appointments to the House of Lords whilst Gordon Brown was Prime Minister. Gordon Brown had announced his intention to create a 'government of all the talents'. He appointed two departmental Secretaries of State from the House of Lords, raising some questions about the accountability of such ministers to the elected House. He also appointed a number of ministers directly to the House of Lords; a practice that has also occurred under other recent Prime Ministers.

Concerns were expressed again in December 2019, when following the general election, Boris Johnson announced that Nicky Morgan, who had stood down from the House of Commons, would continue to serve as Secretary of State for Digital, Culture, Media and Sport, as a Cabinet Minister in the House of Lords. She served as Secretary of State until February 2020.

In response to Gordon Brown's appointment of secretaries of state to the House of Lords, the Lords introduced additional oral questions. Generally, members of the House of Lords ask questions of the Government. In late 2009, it was agreed that once a month time would be set aside for oral questions to any Secretary of State sitting in the Lords. This procedure was revived in January 2020, and Baroness Morgan of Cotes answered questions on 23 January.

# 1. Ministerial appointments: background

In theory there is no requirement for a minister to be a member of either House of Parliament. However, in practice, for parliamentary scrutiny and accountability to work, ministers must have a seat in either chamber. Because the House of Lords is a predominantly appointed chamber, it is possible for ministers to be directly appointed to the second chamber.

There are some legal limits on ministerial appointments. 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 are also statutory limits on the total number of paid ministers that can be appointed, set out in Schedule I, Part V of the *Ministerial and other Salaries Act 1975*, as amended. The limit on paid ministers is 109. The full details are set out in the Commons Library Briefing Paper, [Limitations on the Number of Ministers](#).

## 2. Ministers in the Lords: lists and statistics

### 2.1 Ministers in the House of Lords since 1979: statistics

The table below sets out the number of Ministers in the House of Lords and House of Commons at the start of each Parliament since 1979.

In Boris Johnson's December 2019 administration, there were two Cabinet Ministers in the House of Lords (the Leader of the House of Lords and the Secretary of State for Digital, Culture, Media and Sport).<sup>1</sup> In all, 24 out of the total 116 ministers in government (21%) were in the House of Lords. This compares to 21% following the June 2017 general election; 23% at the start of the 2015 Cameron administration; and 20% at the start of the 2010 Coalition Government.

#### Ministers by Chamber since 1979

	1979	1983	1987	1992	1997	2001	2005	2010	2015	2017	2019
<b>Cabinet Ministers (Total)<sup>1</sup></b>	<b>22</b>	<b>21</b>	<b>21</b>	<b>22</b>	<b>22</b>	<b>23</b>	<b>23</b>	<b>23</b>	<b>22</b>	<b>23</b>	<b>23</b>
MPs	19	18	18	20	20	21	21	21	21	22	21
Peers	3	3	3	2	2	2	2	2	1	1	2
<b>Non-Cabinet Ministers (Total)<sup>2</sup></b>	<b>33</b>	<b>33</b>	<b>31</b>	<b>32</b>	<b>34</b>	<b>31</b>	<b>30</b>	<b>32</b>	<b>36</b>	<b>35</b>	<b>34</b>
MPs	25	26	25	26	27	25	25	28	28	28	27
Peers	8	7	6	6	7	6	5	4	8	7	7
<b>Junior Ministers (Total)</b>	<b>31</b>	<b>29</b>	<b>32</b>	<b>33</b>	<b>34</b>	<b>35</b>	<b>37</b>	<b>38</b>	<b>35</b>	<b>37</b>	<b>40</b>
MPs	28	25	27	25	27	27	29	29	25	28	31
Peers	3	4	5	8	7	8	8	9	10	9	9
<b>Whips (Total)</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>22</b>	<b>22</b>	<b>23</b>	<b>25</b>	<b>25</b>	<b>23</b>	<b>19</b>
MPs <sup>3</sup>	13	13	13	13	15	15	15	16	17	15	13
Peers	7	7	7	7	7	7	8	9	8	8	6
<b>TOTAL IN GOVERNMENT POSTS</b>	<b>106</b>	<b>103</b>	<b>104</b>	<b>107</b>	<b>112</b>	<b>111</b>	<b>113</b>	<b>118</b>	<b>118</b>	<b>118</b>	<b>116</b>
MPs	85	82	83	84	89	88	90	94	91	93	92
Peers	21	21	21	23	23	23	23	24	27	25	24
Peers as % of total	20%	20%	20%	21%	21%	21%	20%	20%	23%	21%	21%

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

<sup>2</sup> This figure includes law offices

<sup>3</sup> 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

Sources: *Dod's Parliamentary Companion*, 1980, 1988, 1993, 1998, 2002, 2006, 2011  
Hansard lists of HM Government  
House of Commons Parliamentary Information Lists

### 2.2 Cabinet Ministers in the House of Lords since 1979

The list below sets out Cabinet Ministers in the House of Lords since 1979, not including Lord Chancellors (from modern times until the *Constitutional Reform Act 2005* the holder of this post was a peer) or Leaders of the House of Lords. The list does also not include law officers, who often attend Cabinet, but are not always Cabinet

<sup>1</sup> Baroness Morgan of Cotes, formerly Secretary of State for Digital, Culture, Media and Sport, left the Government in the February 2020 reshuffle

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Ministers.<sup>2</sup> It does, however, include those who have held the post of Chancellor of the Duchy of Lancaster and Minister without Portfolio.

### Cabinet Ministers in the House of Lords since 1979

(not including Lord Chancellors or Leaders of the House of Lords)

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#### Margaret Thatcher's Government 1979-1991

Lord Carrington	Foreign Secretary	May 1979 – Apr 1982
Lord Cockfield	Trade Secretary	Apr 1982 – June 1983
	Chancellor of the Duchy of Lancaster	June 1983 – Sept 1984
Earl of Gowrie	Chancellor of the Duchy of Lancaster	Sept 1984 – Sept 1985
Baroness Young*	Chancellor of the Duchy of Lancaster	Oct 1981 – April 1982
Lord Young of Graffham	Minister without Portfolio	Sept 1984 – Sept 1985
	Employment Secretary	Sept 1985 – June 1987
	Trade and Industry Secretary	June 1987 – July 1989

#### John Major's Government 1991-1997

None

#### Tony Blair's Government 1997-2007

Lord Falconer	Lord Chancellor and Secretary of State for Constitutional Affairs (note: from the passing of the Constitutional Reform Act 2005 the Lord Chancellor no longer had to sit in the House of Lords)	June 2003-May 2007
	Lord Chancellor and Secretary of State for Justice	May – June 2007
Baroness Amos	International Development Secretary	May – October 2003

#### Gordon Brown's Government 2007-2010

Lord Adonis	Transport Secretary	June 2009 – May 2010
Lord Mandelson	First Secretary of State and Secretary of State for Business, Innovation and Skills	October 2008 – May 2010

#### The Coalition Government 2010-2015

Baroness Warsi	Minister without Portfolio	May 2010 – September 2012
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#### David Cameron's 2015-2016 Government

None

#### Theresa May's 2016 and 2017 Governments

None

#### Boris Johnson's July 2019 and December 2019 Governments

Baroness Morgan of Cotes	Secretary of State for Digital, Culture, Media and Sport	December 2019-February 2020
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\* Lady Young was also Leader of the House of Lords at the same time

Source: David Butler and Gareth Butler, *Twentieth Century British Political Facts*, 2000 and Parliamentary Information Lists, *Ministers in the 2010-15 Coalition Government (SN06544)* and *Ministers in the 2015 Conservative Government (CBP07335)*

Until September 2012, the Coalition Government included one Cabinet minister, other than the Leader of the Lords, in the House of Lords: the Minister without Portfolio, Baroness Warsi.

Under Gordon Brown there were two departmental secretaries of state of in the House of Lords: from June 2009 until May 2010 the First Secretary of State and Secretary of State for Business, Innovation and Skills (Lord Mandelson) (October 2008 to May 2010) and the Secretary of State for Transport (Lord Adonis) (June 2009 to May 2010).

Under Tony Blair, for the months of June to October 2003 there were two departmental secretaries of state in the second Chamber at the same time: the Secretary of State for International Development (Baroness Amos) and the Lord Chancellor and Secretary of State for Constitutional Affairs (Lord Falconer). Lord Falconer held the post first of Lord Chancellor and Secretary of State for Constitutional Affairs (June

<sup>2</sup> The information in this note is taken from David Butler and Gareth Butler, *Twentieth Century British Political Facts*, 2000



2003 to May 2007) then Lord Chancellor and Secretary of State for Justice (May to June 2007). Baroness Amos served as International Development Secretary from May to October 2003.

## Should there be any Cabinet ministers in the House of Lords?

Following a ministerial reshuffle in 2014, Baroness Stowell of Beeston was appointed Leader of the House of Lords but not a Cabinet minister.

The Lords Constitution Committee reported “widespread concern ... about the status of the Leader of the House”.<sup>3</sup>

The Committee quoted from a letter from the Prime Minister, agreeing that the Leader of the House should be a Cabinet minister:

[The Prime Minister] agreed “that the Leader of the House should, as a general rule, always be a full member of the Cabinet; unfortunately it was not possible on this occasion, owing to the provisions of the Ministerial and other Salaries Act 1975. I want to reassure you, and the whole House, that I see the current situation as a purely temporary one, which I will want to rectify at the earliest opportunity. I will certainly do so immediately after the General Election, if I am returned as Prime Minister, if no opportunity has arisen to do so over the coming nine months.” He said that Lady Stowell would have the same role in Cabinet as her predecessors and that she would attend the same meetings in Downing Street.<sup>4</sup>

The Committee reviewed literature that described the Leader of the House of Lords as a Cabinet minister. It made no recommendations but noted that:

... the Prime Minister’s assurance that the current position is temporary and will be rectified at the first opportunity. Were it desired to prevent a repeat of this situation, that may be achieved in law through an amendment to the Ministerial and other Salaries Act 1975. For example, the Act could be amended to provide that one of the 21 salaries for Cabinet ministers must be paid to a member of the House of Lords or to provide that the Leader of the House of Lords must be among the 21, or in either case to increase the number to 22.<sup>5</sup>

## 2.3 Historical information

The number of Cabinet Ministers in the House of Lords decreased over the course of the twentieth century. The Public Administration Select Committee report *Goats and Tsars: ministerial and other appointments from outside Parliament* (March 2010) sets out the decline, and exceptions to it, as follows:

The presence of Cabinet Ministers in the House of Lords has diminished markedly since the turn of the twentieth century, when there were nine Members of the House of Lords in the Cabinet, including the Prime Minister. Attlee's first Cabinet in 1945 and Macmillan's in 1957 contained five Lords, and

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<sup>3</sup> Constitution Committee, [Status of the Leader of the House of Lords](#), 25 July 2014, HL 41 2014-15, para 1

<sup>4</sup> *Ibid*, para 8

<sup>5</sup> *Ibid*, para 23

Churchill's in 1951 included seven. By the mid-1960s, however, it had become the norm for an incoming Prime Minister to recruit only the Leader of the House of Lords and the Lord Chancellor from the House of Lords into his or her Cabinet.

There were, however, exceptions to this rule such as Lord Carrington's appointment as Secretary of State for Defence in 1970. Margaret Thatcher's governments included several Secretaries of State based in the Lords, including Lord Carrington as Foreign Secretary from 1979 until 1982, Lord Cockfield as Trade Secretary from 1982 to 1983, and Lord Young as Employment Secretary, from 1985 to 1987, and subsequently Secretary of State for Trade and Industry, from 1987 to 1989. However, it was not until Tony Blair's government briefly included Baroness Amos as Secretary of State for International Development in 2003 that there were two Secretaries of State based in the House of Lords at the same time - the first time this had occurred since Macmillan's Government in the late 1950s.<sup>6</sup>

In the Conservative Governments of 1957-64, there were two periods where there were two concurrent departmental secretaries of state in the Lords: from January 1957 until September 1957, and from October 1959 until October 1963, the Earl of Home and Viscount Hailsham were both in the Cabinet. The Earl of Home was Commonwealth Relations Secretary from January 1957 until July 1960, and Foreign Secretary from July 1960 until October 1963. Viscount Hailsham was Minister for Education from January 1957 to September 1957, and then Minister of Science from October 1959 until he disclaimed his peerage in November 1963 (he was elected as an MP the following month).

There have been cases where a single departmental secretary of state had a seat in the House of Lords. For example, in the 1970-74 Heath Government, Lord Carrington was Secretary of State for Defence (June 1970 to January 1974) and then Secretary of State for Energy. As set out in the table above Lord Carrington, Lord Cockfield and Lord Young of Graffham were departmental secretaries of state during Margaret Thatcher's administration.

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<sup>6</sup> Public Administration Select Committee, [Goats and Tsars: ministerial and other appointments from outside Parliament](#), HC 330 2009-10, Paras 47 and 48



## 3. 'Outsider' ministers

### 3.1 Gordon Brown's 'Government of all the talents'

When Gordon Brown became Prime Minister in June 2007 he announced his intention to "reach out beyond narrow party interest" and "build a government that uses all the talents".<sup>7</sup> There was some concern over the number of peerages created in order to place Ministers in Parliament. For example, in a report on *Constitutional Reform and Renewal* published in July 2009 the Justice Select Committee wrote that:

The present Prime Minister has appointed 11 people to be life peers so that they could serve as ministers or as an adviser to the Government, some of whom have already given up ministerial office but remain members of the House of Lords. These measures accentuate a trend towards an appointed second chamber, contrary to the view expressed by the three main parties and by the House of Commons. Moreover, it is likely to lead to a continuous trend in future governments appointing peers in order to rebalance the numbers and this is unsustainable.<sup>8</sup>

Although it can be difficult to be certain which peerages have been created in order to give an individual ministerial office, the peerages conferred by Gordon Brown listed below appear to have been created for this purpose.

- Lord Malloch-Brown, Minister of State for Africa, Asia and UN and Government spokesperson, Foreign and Commonwealth Office (introduced to the Lords on 9 July 2007).<sup>9</sup>
- Lord West of Spithead, Parliamentary Under Secretary, Home Office (introduced to the Lords on 9 July 2007).
- Lord Jones of Birmingham, Minister of State, Department for Business Enterprise and Regulatory Reform and Foreign and Commonwealth Office (introduced to the Lords on 10 July 2007).<sup>10</sup>
- Baroness Vadera, Parliamentary Under-Secretary of State, Department for International Development (introduced to the Lords on 11 July 2007).<sup>11</sup>

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<sup>7</sup> Gordon Brown's Downing Street Speech, June 2008, available on the BBC website at: [http://news.bbc.co.uk/1/hi/uk\\_politics/6246114.stm](http://news.bbc.co.uk/1/hi/uk_politics/6246114.stm)

<sup>8</sup> Justice Select Committee, [Constitutional Reform and Renewal](#), 29 July 2009, HC 923 2008-09, para 58

<sup>9</sup> Lord Malloch-Brown stood down from his ministerial post at the start of the summer recess in July 2009, see 'Another of Gordon Brown's 'goats' decides to leave the fold', *The Times*, 8 July 2009

<sup>10</sup> Announced in August 2008 that he would leave government before the end of the year, and he did so in October 2008, see 'Digby Jones quits after just 18 months', *Telegraph*, 23 August 2008

<sup>11</sup> Stepped down in September 2009 to take up new post advising the G20, see 'Vadera quits for G20 Advisory Role', *Financial Times*, 25 September 2009

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- Lord Darzi of Denham, Parliamentary Under-Secretary of State, Department of Health (introduced to the Lords on 19 July 2007).<sup>12</sup>
- Lord Mandelson, Secretary of State, Business, Enterprise and Regulatory Reform (BERR) (introduced to the Lords on 13 October 2007);
- Lord Carter of Barnes, Parliamentary Under-Secretary of State, BERR /Department for Culture, Media and Sport (introduced to the Lords on 16 October 2008).<sup>13</sup>
- Lord Myners, Financial Services Secretary, HM Treasury (introduced to the Lords on 16 October 2008)
- Lord Davies of Abersoch, Minister of State, BERR /Foreign and Commonwealth Office (FCO) (introduced to the Lords on 2 February 2009)
- Baroness Kinnock, Minister of State for Europe, FCO (introduced to the Lords on 30 June 2009).<sup>14</sup>

The Public Administration Select Committee launched an inquiry in June 2009 into outside appointments into Government. Their report, *Goats and Tsars: Ministerial and other appointments from outside Parliament*, was published on 11 March 2010.<sup>15</sup> This raised questions about the scale of recent appointments, why they needed to be made, and their impact on Parliament and Government.<sup>16</sup> The report suggested that Ministers appointed to the House of Lords should be required to resign their seats after they leave government.<sup>17</sup>

The Committee suggested that the House of Lords Appointments Commission should be allowed to vet ministerial appointees for propriety in the same way as for any other working peer.<sup>18</sup> In conclusion, the Committee raised the possibility that a small number of junior ministers could be directly appointed without requiring them to be members of either House, suggesting that this could provide a mechanism to place clear limits on the number of ministers that could be appointed in this way and their role. They acknowledged that “this would be a considerable constitutional innovation” but “an idea that deserves further consideration”.<sup>19</sup>

In its response to the report, the Coalition Government agreed with the Committee that “ministerial appointments from outside the existing

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<sup>12</sup> Stood down in July 2009, see ‘Darzi to quit as Health Minister’, *The Times*, 15 July 2009

<sup>13</sup> Announced in June 2009 he would step down from his post during the summer, see ‘Further resignation adds to pressure on Brown’, *Scotsman*, 13 June 2009

<sup>14</sup> Became Minister of State with responsibility for Africa, United Nations, Human Rights and Climate Change and Energy in October 2009.

<sup>15</sup> Public Administration Select Committee, [Goats and Tsars: Ministerial and other appointments from outside Parliament](#), 11 March 2010, HC 330 2009-10

<sup>16</sup> *Ibid*, para 14

<sup>17</sup> *Ibid*, para 79

<sup>18</sup> *Ibid*, para 84. For more information about the House of Lords Appointments Commission see the Library Standard Note, SN/PC/2855, [The House of Lords Appointments Commission](#)

<sup>19</sup> Public Administration Select Committee, [Goats and Tsars: Ministerial and other appointments from outside Parliament](#), 11 March 2010, HC 330 2009-10, para 90

membership of the House of Commons or the House of Lords should be exceptional".<sup>20</sup>

There were no Secretaries of State in the House of Lords at the time of the Government's response, nor throughout the time of the Coalition. However, in response to suggesting that peers answer questions in the House of Commons, the Government noted a "risk that the burden on ministers of having additional duties in the other House might compromise their ability to participate fully in the work of the House in which they sit".<sup>21</sup>

The Government reported that following the 2010 General Election, the House of Lords Appointments Commission had vetted ministerial appointments.<sup>22</sup>

### 3.2 'Outsider' ministers in other administrations

The Constitution Unit published a report in January 2011 which discussed the appointment of 'outsider' ministers to government and focused on issues of competence and accountability.<sup>23</sup> The report noted:

Gordon Brown was not the only Prime Minister to bring in outside talent: British Prime Ministers have been doing so for many years. Tony Blair had brought into the Lords, amongst others, David Simon (former Chairman of BP) and Gus MacDonald (former broadcaster and businessman), referred to as 'Tony's cronies'. And before Blair, Harold Wilson, Edward Heath and Margaret Thatcher had all attempted to bring in 'experts' or 'outsiders'.

The authors suggested that "coalition constraints on ministerial appointment" had resulted in a tendency to make appointments to advisory positions rather than to ministerial office during the 2010-15 Coalition Government. Nevertheless, there had been some 'outside' ministerial appointments:

Jonathan Hill, former special adviser and head of John Major's political office, as Parliamentary Under-Secretary of State for schools; and Lord (James) Sassoon, former Treasury civil servant and adviser to the then Shadow Chancellor as the Commercial Secretary to the Treasury. The Government has also recently announced the appointment of Lord (Stephen) Green, former Chairman of HSBC, as Trade Minister.<sup>24</sup>

It was reported at the time of the September 2012 reshuffle that Paul Deighton, then Chief Executive Office of LOCOG, would join the

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<sup>20</sup> Public Administration Select Committee, [Government Responses to the Committee's Eighth and Ninth Reports of Session 2009-10: Goats and Tsars: Ministerial and other appointments from outside Parliament and Too Many Ministers?](#) 21 October 2010, HC 150 2010-12, p5

<sup>21</sup> *Ibid*, p6

<sup>22</sup> *Ibid*, p7

<sup>23</sup> Ben Yong and Robert Hazell, [Putting Goats among the Wolves: appointing ministers from outside Parliament](#), Constitution Unit, January 2011

<sup>24</sup> *Ibid*, p11

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Government as Commercial Secretary to the Treasury at the start of 2013. He would be a Minister (unpaid) in the House of Lords.<sup>25</sup>

Following the 2015 General Election, six peerages were announced for new Ministers:<sup>26</sup>

- Lord Maude of Horsham, Minister of State for Trade and Investment from May 2015 to April 2016
- Baroness Altmann, Minister of State for Pensions from May 2015 until July 2016.
- Lord Bridges of Headley, Parliamentary Secretary for the Cabinet Office from May 2015 until July 2016 and then Parliamentary Under Secretary of State at the Department for Exiting the European Union on 17 July 2016.
- Lord Dunlop was appointed Parliamentary Under Secretary of State at the Scotland Office in May 2015. He was also appointed Parliamentary Under Secretary of State at the Northern Ireland Office on 17 July 2016.
- Lord O'Neill of Gatley was appointed Commercial Secretary to the Treasury in May 2015.
- Lord Prior of Brampton was appointed Minister for NHS Productivity and a member of the House of Lords in May 2015.

In addition, Lord Price was appointed as the Minister as State for International Trade at the Department for Business, Innovation and Skills (BIS) and the Foreign and Commonwealth Office (FCO) on 4 April 2016. He was appointed to the same role at the new Department for International Trade on 16 July 2016.

Theresa May appointed four non-parliamentarians to ministerial posts. They all received peerages:

- Lord Duncan of Springbank was appointed as a minister in the Scotland Office and a member of the House of Lords in June 2017.
- Baroness Fairhead was appointed as a minister in the Department of International Trade and a member of the House of Lords in September 2017.
- Lord Agnew of Oulton was appointed as Minister for Academies in the Department for Education and a member of the House of Lords in September 2017.
- Baroness Blackwood of North Oxford was appointed as a minister in the Department of Health and Social Care and a member of the House of Lords in January 2019.

In addition to appointing Nicky Morgan to the House of Lords, Boris Johnson also appointed Zac Goldsmith, in December 2019. Both retained ministerial posts they had held immediately before the general

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<sup>25</sup> See: [Cameron reshuffles his government: Politics live blog](#), 4 September 2012

<sup>26</sup> HM Government, [Election 2015: Prime Minister and ministerial appointments](#), 14 May 2015 and Politics Home, [Six Peerages announced for new ministers](#), 14 May 2015

election. Nicky Morgan did not contest the election but Zac Goldsmith was defeated in Richmond Park.

On 18 March 2020, Boris Johnson appointed two non-parliamentarians as ministers and announced that they would receive peerages:

- Lord Grimstone of Boscobel was appointed as Minister for Investment in the Department for Business, Energy and Industrial Strategy and the Department for International Trade.
- Lord Greenhalgh was appointed as a Minister of State in the Home Office and the Ministry of Housing, Communities and Local Government.

Both took their seats in the House of Lords on 21 April 2020.<sup>27</sup>

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<sup>27</sup> [HL Deb 21 April 2020 c1](#) and [c1](#)

## 4. Accountability of Cabinet Ministers in the Lords

### 4.1 House of Commons

The accountability arrangements of departmental Cabinet ministers in the House of Lords became a topic of interest after Gordon Brown appointed two peers as departmental secretaries of state: Lord Mandelson at Business, Enterprise and Regulatory Reform (BERR) in 2008, and Lord Adonis at the Department for Transport in 2009. In their 2008 report which considered the scrutiny of BERR, the Business and Enterprise Select Committee suggested that it should be possible for Lord Mandelson to be accountable to the House of Commons. It suggested that the “most obvious method” would be to allow him to appear at the Despatch Box:

Whilst we recognise that many of our colleagues will have an instinctive dislike of the idea of a peer appearing in this chamber, we would point out that peers have entered the House of Commons before. Lords can appear before the Commons as witnesses, if they consent to do so, and earlier editions of Erskine May give details of the procedure, in which Lords are seated within the bar of the House. Indeed, there are precedents for peers addressing the House directly, as did Lord Melville in 1805 and the Duke of Wellington in 1814. If the House could show such flexibility two centuries ago, we believe it should be able to act in a similar spirit now.

The Committee also suggested other options could be explored, such as whether a Ministers could be called to make a statement and answer questions upon it:

We note that the Standing Orders provide for a Minister of the Crown, whether or not a Member of the House, to make a statement and answer questions upon it in a grand committee, meeting in a large committee room. Again this seems to us a precedent which might be usefully adapted. It might also be possible for Lord Mandelson to appear in Westminster Hall, the parallel chamber.

The Committee suggested that the matter be considered by the Procedure Committee.<sup>28</sup>

The Speaker also suggested that ministers in the Lords should face questioning from the Commons. In a September 2009 Hansard Society lecture he stated:

I find the fact that backbenchers have no means of directly questioning prominent Ministers of the Crown because they happen to sit in the House of Lords to be less than satisfactory. That is even more true at a time when the Cabinet contains the esteemed Lord Mandelson, whose empire is of a scale not seen since the death of Alexander the Great, and the thoughtful Lord Adonis who presides over the country's transportation network. I

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<sup>28</sup> Business and Enterprise Committee, [Departmental Annual Report and Scrutiny of the Department for Business, Enterprise and Regulatory Reform](#), 25 November 2008, HC 1116



suspect that both of these individuals would concede that they should be responsible to backbench MPs and would be more than willing to participate in an experiment in which they were made available publicly through Westminster Hall, as one option, and I intend to consult on how we might take this forward.<sup>29</sup>

In October 2009 it was reported that Speaker Bercow had written to party leaders to discuss calls for peers who serve as Cabinet Ministers to appear in the Commons.<sup>30</sup> It was also reported that the then Prime Minister had written to Mr Speaker, stating that “I am keen that all secretaries of state are fully accountable to Parliament”.<sup>31</sup>

The Public Administration Select Committee’s also considered the accountability of Cabinet Ministers in the House of Lords in their 2010 report, *Goats and Tsars: Ministerial and other appointments from outside Parliament*, concluded that so long as there was an unelected chamber, there was a “strong argument” in favour of ministers being directly accountable to the elected chamber as a whole.<sup>32</sup>

The Committee noted that the Procedure Committee was looking into the matter but went on to recommend that ministers should be able to present their policies and answer questions in both chambers. This would allow government to ensure that their policies were being presented in the most effective way by the person best placed to debate them. It would also expose Secretaries of State from both Houses to the different sorts of scrutiny carried out by each House and would remove the need to appoint Members of the Lords as ministers to ensure departmental representation in both Houses.<sup>33</sup>

On 22 March 2010 the House of Commons Procedure Committee published a short report on *Accountability to the House of Commons of Secretaries of State in the House of Lords*.<sup>34</sup> The Committee stated that it would be an appropriate time to conduct an experiment of procedures for Lords Ministers being questioned in the Commons.<sup>35</sup>

The Procedure Committee went on to recommend that the experiment, which was to last one parliamentary session, should consist solely of questions and should take place in Westminster Hall. It would apply only to departmental secretaries of state in the House of Lords and would complement rather than replace the regular departmental question times. Subject to the length of the parliamentary session, each secretary of state would be subject to two question sessions. Each session would consist of thirty minutes of ‘normal’ questions followed by a fifteen-

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<sup>29</sup> Speech to the Hansard Society, 24 September 2009

<sup>30</sup> ‘Speaker acts on peers’ questions’, *BBC News*, 26 October 2009

<sup>31</sup> Quoted in, ‘Mandelson could soon be back in the Commons; Prime Minister seeks to overturn rules barring peers from Lower House and set up battle of the big business beasts’, *Daily Telegraph*, 26 October 2009

<sup>32</sup> Public Administration Select Committee, [Goats and Tsars: Ministerial and other appointments from outside Parliament](#), 11 March 2010, HC 330 2009-10/*ibid*, para 58

<sup>33</sup> *Ibid*, para 61

<sup>34</sup> House of Commons Procedure Committee, [Accountability to the House of Commons of Secretaries of State in the House of Lords](#), 22 March 2010, HC 496

<sup>35</sup> *Ibid*, paras 13-14

minute period of topical questions. These question times would be chaired by a Deputy Speaker.<sup>36</sup>

In the event, no changes were made before the May 2010 General Election.

## 4.2 House of Lords

Meanwhile, the Lords had already established a new procedure for oral questions to departmental Secretaries of State on their departmental responsibilities, in the Chamber. The Lords Procedure Committee had recommended that, on one Thursday each month when the House was sitting, 15 minutes should be set aside for three oral questions addressed to the Secretary of State, immediately following the existing 30 minutes for oral questions.<sup>37</sup> Where there was more than one Secretary of State in the Lords, they would answer questions on different Thursdays within any given month. The new procedure was used for the first time on Thursday 14 January 2010 when questions were put to Lord Adonis, Secretary of State for Transport.<sup>38</sup>

In the 2010 Parliament, the Leader of the House of Lords established a Group on Working Practices. Its recommendations were considered by the Procedure Committee. The Leader's Group recommended that:

The procedure adopted in early 2010, whereby Secretaries of State sitting in the Lords should answer three oral questions, on one Thursday each month, directed to them in their ministerial capacity, should be made permanent, with a view to its revival as appropriate.

The Procedure Committee concurred, with one proviso, "namely that the ballot for such questions would, in accordance with the practice agreed in April 2011, take place at 1 pm, rather than 2 pm".<sup>39</sup>

When the House of Lords considered the Procedure Committee's report on 8 November 2011, an amendment to allow 20 minutes, rather than 15 minutes, for oral questions to secretaries of state was accepted.<sup>40</sup>

Oral questions to departmental secretaries of state in the House of Lords were revived on 23 January 2020, when 20 minutes were set aside for three questions to the Secretary of State for Digital, Culture, Media and Sport.<sup>41</sup>

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<sup>36</sup> *Ibid*, para 17

<sup>37</sup> Procedure Committee, *Oral questions to Secretaries of State: Committee for Privileges and Standing Order 78: Personal Bills Committee*, 9 December 2009, HL 13 2009-10; the report was agreed [HL Deb 15 December 2009 c1404](#)

<sup>38</sup> See HL Deb 14 January 2010 c611

<sup>39</sup> Procedure Committee, *Proposals arising from the Report of the Leader's Group on Working Practices*, 1 November 2011, HL 213 2010-12, paras 8-9

<sup>40</sup> HL Deb 8 November 2011 cc150-151

<sup>41</sup> [HL Deb 23 January 2020 cc1155-1162](#)

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