



## Limitations on the number of Ministers and the size of the Payroll vote

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This standard note sets out the statutory limits that apply to ministerial appointments. It summarises recent proposals to reduce the number of Ministers and provides figures for the size of the payroll vote since 1979.

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## 1 Paid appointments

The maximum numbers of *paid* ministerial posts are set out in the *Ministerial and Other Salaries Act 1975*. Some ministerial posts are separately identified within the Act, for example, those of the Chancellor of the Exchequer and the Attorney General. However, maximum numbers for the main categories of minister (e.g. ministers of state) are specified in schedule I, part V of the Act. Limits on paid posts are as follows:-

Position	Max no. (paid)
(a) Cabinet Ministers excluding the Lord Chancellor <sup>1</sup>	21
(b) Cabinet Ministers in total	22
(c) Cabinet Ministers (i.e.group (a) above); <b>plus</b> Ministers of State; <b>plus</b> any other ministers heading government departments (or office holders listed in schedule 1, part I of the Act) who are <i>not</i> members of the Cabinet	50
(d) Ministers from group (c) above <b>plus</b> Parliamentary Secretaries excluding Parliamentary Secretary to the Treasury	83
<b>(e) Ministers in total<sup>2</sup></b>	<b>84</b>
(f) Law Officers <sup>3</sup>	3
(g) Whips <sup>4</sup>	22
Totals	<b>109</b>

<sup>1</sup> Covered by section 1(2) of the Act

<sup>2</sup> i.e. group (d) plus the Lord Chancellor

<sup>3</sup> Schedule 1, part III

<sup>4</sup> Schedule 1, parts IV and V. Additional Whips could in theory be appointed under other categories

Thus, assuming that the maximum number of paid Cabinet Ministers are appointed, 29 paid Ministers of State may be appointed. If the maximum number of both these categories of Ministers are appointed, 33 paid Parliamentary Secretaries (excluding the Parliamentary Secretary to the Treasury) may be appointed.

Rodney Brazier observes in his *Ministers of the Crown* (1997) that this framework limits the total number of Ministers who may receive a salary but gives the Prime Minister some flexibility depending on the total number of appointments he wishes to make within each group.<sup>1</sup>

## 2 Limitations on the number of Ministers in the Commons

The *House of Commons Disqualification Act 1975* provides that not more than 95 holders of Ministerial offices<sup>2</sup> may sit and vote in the House of Commons at any one time. This limit does not depend on whether or not the office holders are paid. According to Brazier, 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>3</sup> There is no equivalent legal restraint on the number of Ministers in the Lords, but Brazier observes that in practice,

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

<sup>2</sup> as defined in Schedule 2 to that Act, the definition is comprehensive, and includes Whips

<sup>3</sup> Rodney, Brazier *Ministers of the Crown*, Clarendon, 1997, p35

“a Prime Minister will be reluctant to have more than twenty or so Ministers in the House of Lords”.<sup>4</sup>

### 3 Proposals to reduce the size of the payroll vote

In its report, *Strengthening Parliament*, the Norton Commission, established by William Hague when he was Leader of the Conservative Party, recommended a reduction in the size of Government. The Commission’s summary of conclusions included the following proposals:

#### Constraining Government

- The size of the Cabinet should be capped at 20.
- The number of junior ministers should be capped at 50.
- There should be only one parliamentary private secretary per department responsible to the Cabinet minister.<sup>5</sup>

The Hansard Society Commission on Parliamentary Scrutiny (the Newton Commission) published its report in 2001. This stated:

... the Commission wishes to promote a more effective Parliament and believes that the current number of MPs on the payroll vote seriously weakens Parliament’s ability to carry out its collective functions. The Commission recommends that all but the largest government departments should have only one PPS. The Commission recognises that there may be exceptions, with the larger departments such as Environment, Transport and the Regions requiring more than one PPS, but believes that the number of PPSs must be drastically reduced.<sup>6</sup>

In March 2010 the Public Administration Select Committee published a report entitled, *Too Many Ministers?*<sup>7</sup> This argued that:

The ever-upward trend in the size of government over the last hundred years or more is striking and hard to justify objectively in the context of the end of Empire, privatisation, and, most recently, devolution to Scotland, Wales and Northern Ireland. There is a strong case for re-examining the number of government ministers that the country needs, as well as the statutory limits on these numbers that currently exist.<sup>8</sup>

The Committee went on to consider the appointment of unpaid ministers, concluding that the *Ministerial and Other Salaries Act 1975* should be treated as setting an absolute limit on the number of government ministers, paid or unpaid.<sup>9</sup> The Committee argued 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 one third. Cutting the number of ministers would also be consistent with smaller, smarter government.<sup>10</sup>

Lastly, the Committee looked at the size of the payroll vote more generally, including the appointment of Parliamentary Private Secretaries. They recommended that the Ministerial Code should be amended to limit the number of PPSs to one for each department or Cabinet

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<sup>4</sup> *Ibid*, p36

<sup>5</sup> Commission to Strengthen Parliament, H*Strengthening Parliament*H, July 2000, p64 [a section of the report entitled “Constraining Government” appears on pp48-51]

<sup>6</sup> Hansard Society Commission on Parliamentary Scrutiny, *The challenge for Parliament: making Government accountable*, 2001, para 2.33

<sup>7</sup> Public Administration Select Committee, H*Too Many Ministers?*H 16 March 2010, HC 457, 2009-10

<sup>8</sup> *Ibid*, para 5

<sup>9</sup> *Ibid*, para 19

<sup>10</sup> *Ibid*, para 21

Minister and that the existing limit on the number of ministers sitting and voting in the Commons needed to be widened to encompass all those Members of Parliament who hold office connected to the Government, either formally or informally. The Committee recommended that the payroll vote should be limited to 15 per cent of the membership of the House of Commons.<sup>11</sup>

Following the 2010 general election, the Public Administration Committee returned to this subject in its report *Smaller government: what do ministers do?* (March 2011).<sup>12</sup> The Committee observed:

Prime Ministers and their Chief Whips have every incentive to increase their patronage over those who determine the progress of legislation. The temptation to create more and more 'jobs for the boys' (and girls) is not conducive either to better government or better scrutiny of legislation. A further increase in the proportion of MPs who are ministers does not reflect the Coalition's stated objective of "strengthening Parliament."<sup>13</sup>

The Committee recommended:

We agree with our predecessor Committee that the Ministerial and Other Salaries Act 1975 should be regarded as setting an absolute limit on the number of ministers. Government should not appoint unpaid ministers if this results in them having more ministers than envisaged by the Ministerial and Other Salaries Act.

Furthermore, 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 upper limit for 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>14</sup>

The Committee recommended that:

... over the course of this Parliament, the total number of ministers should be reduced to 80 shared between the Commons and Lords.<sup>15</sup>

As to PPSs:

We do not believe that the Government needs as many PPSs as it currently has. They perform few functions of real value; the few they do could easily be performed by others, notably the Whips. We recommend that only Secretaries of State should be allowed to appoint Parliamentary Private Secretaries and that the Ministerial Code be amended to limit PPSs to one for each department.<sup>16</sup>

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

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<sup>11</sup> *Ibid*, paras 33-35

<sup>12</sup> Public Administration Select Committee, *Smaller government: What do ministers do?* HC 530 2010-12

<sup>13</sup> *Ibid*, para 98

<sup>14</sup> *Ibid*, paras 99-100

<sup>15</sup> *Ibid*, para 103

<sup>16</sup> *Ibid*, para 125

debates. It also proposed that the Executive's powers of patronage might be reduced by appointing more ministers from outside.<sup>17</sup>

The Government's response was published in October 2011.<sup>18</sup> It 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." But it thought that a reduction to 80 ministers over the course of the Parliament was "unlikely to be a realistic aspiration".

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<sup>17</sup> *Ibid*, chapter 6: "Payroll vote – alternative solutions".

<sup>18</sup> Public Administration Select Committee, *Smaller government: what do ministers do? Further report*, HC 1540 2010-12

## Size of payroll vote since 1979

There is no formal definition of the payroll vote, but it is generally considered to consist of Ministers and PPSs in the Commons, whether paid or unpaid. The table below shows the size of the government, and the size of the payroll vote, following each general election. The final column shows the situation following the ministerial reshuffle of September 2012:

	1979	1983	1987	1992	1997	2001	2005	2010	2012
Cabinet Ministers (MPs)	19	18	18	20	20	21	21	21	21
Cabinet Ministers (Peers)	3	3	3	2	2	2	2	2	1
<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>
Non-Cabinet Ministers (MPs)	25	26	25	26	27	25	25	28	30
Non-Cabinet Ministers (Peers)	8	7	6	6	7	6	5	4	4
<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>34</b>
Junior Ministers (MPs)	28	25	27	25	27	27	29	29	29
Junior Ministers (Peers)	3	4	5	8	7	8	8	9	11
<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>40</b>
Whips (MPs) <sup>3</sup>	13	13	13	13	15	15	15	16	15
Whips (Peers)	7	7	7	7	7	7	8	9	10
<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>
MPs in Government Posts	85	82	83	84	89	88	90	94	95
Peers in Government Posts	20	21	21	23	23	23	23	24	26
<b>Total Government Posts</b>	<b>105</b>	<b>103</b>	<b>104</b>	<b>107</b>	<b>112</b>	<b>111</b>	<b>113</b>	<b>118</b>	<b>121</b>
MPs acting as unpaid PPSs <sup>4</sup>	-	40	40	41	45	58	45	46 <sup>5</sup>	-
<b>MPs counting as 'payroll vote'</b>	<b>-</b>	<b>122</b>	<b>123</b>	<b>125</b>	<b>134</b>	<b>146</b>	<b>135</b>	<b>140</b>	<b>-</b>

<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 Officers

<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.

<sup>4</sup> 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.

<sup>5</sup> Based on the Prime Minister's [List of Parliamentary Private Secretaries](#), published November 2010

### Sources:

May 1979 *Dod's Parliamentary Companion 1980*, pp499-503, 458

June 1983 *Hansard* (June 1983)

June 1987 *Dod's Parliamentary Companion 1988*, pp668-672 and *Hansard* (June 1987)

April 1992 *Dod's Parliamentary Companion 1993* pp798-802 and *Hansard* (April 1992)  
*House of Commons Information Office Information Lists* (for PPSs 1983-92)

May 1997 *Dod's Parliamentary Companion 1998*, pp921-931

Oct 2001 *Dod's Parliamentary Companion 2002* pp3-7, 33-34

Oct 2005 *Dod's Parliamentary Companion 2006*, pp3-8, 25-26

May 2010 *Dod's Parliamentary Companion 2011*, pp3-9, 16-34

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