

E. R.

NOTE FOR THE RECORD

THE 21 LIMIT ON THE NUMBER OF CABINET MINISTERS

In the context of Mr Tebbit's appointment as Chairman of the Conservative Party, I enquired about the basis on which the limit of 21 on the number of Cabinet Ministers is set.

(Mr Tebbit's salary will be topped up from Party funds to bring him to the same salary level as he would have enjoyed as a Cabinet Minister; but he may enjoy a Government provided flat and a pension equivalent to the one he would have enjoyed as a Cabinet Minister, also provided from public funds.)

Second Parliamentary Counsel confirmed that the 21 limit is based on pay and would not be affected by the provision of these two other items i.e. Mr Tebbit will not count against the 21 limit.

D&N

David Norgrove

2 September 1985

**RESTRICTED**

AS AT 15TH APRIL 1985

*Nigel.*

**TABLES  
OF  
MINISTERIAL OFFICES**

**INTRODUCTION**

1. Tables I and II cover the Ministerial offices for which salaries may be paid under the Ministerial and other Salaries Act 1975 (there being no other statutory authority now in force for payment of a salary to a Minister of the Crown as such). The Tables indicate in bold type any numerical limit under the Act on the number of salaries that may be paid. They show the current salary levels under the Ministerial and other Salaries Order 1983. That Order provides for an increase of the salary levels on 1st January in 1986 and 1987. A new edition of the Tables will be produced when the next of these increases takes effect. The salaries paid may be lower than the figures shown. In practice only office-holders in the House of Lords are paid the maximum salary, or the salary at the top of the range. Office-holders in the House of Commons are paid less but also receive a Parliamentary salary.

2. Table I comprises the offices listed in Schedule 2 to the House of Commons Disqualification Act 1975, and thereby subject, under section 2(1), to the limit of 95 on the number of office-holders who may sit in the House of Commons (Table II being confined to offices that are never held by a Member of that House). The office-holders in the House of Commons are named in column 2 of Table I, and the present total is given at the head of the Table.

3. Part I of Table I consists of Divisions A and B. Those in Division A are entitled to higher salaries than those in Division B, and are subject to a separate limit on numbers. The rules for determining whether the holder of an office is in Division A or Division B are as follows:-

- (a) the Prime Minister, the Chancellor of the Exchequer, any Secretary of State and the Minister of Agriculture, Fisheries and Food are always in Division A even if not in the Cabinet;
- (b) any other Minister who is in charge of a government department, and who does not hold one of the "ancient offices" (Lord President, Lord Privy Seal, Chancellor of the Duchy of Lancaster and Paymaster General) is always in Division B, and indeed cannot draw any salary if in the Cabinet;
- (c) the Financial Secretary to the Treasury is always in Division B even if in the Cabinet;
- (d) subject to the preceding paragraphs, a seat in the Cabinet determines whether the holder is in Division A or Division B.

4. The Appendix covers Ministerial offices which exist separately but are not held separately from those covered by Tables I and II, and which are accordingly not relevant to the main purpose of those Tables, namely, checking the statutory limits on salaries and on membership of the House of Commons.

5. The Tables are designed for convenience of reference only. Despite recent simplifications, awkward questions of law can still arise in connection with Ministerial changes; and in particular any proposal to create a new Ministerial post, paid or unpaid, without legislation involves considering the definition of Minister of State and that of Parliamentary Secretary.

Parliamentary Counsel Office.

**TABLE I**  
**OFFICES SUBJECT TO LIMIT OF 95 IN HOUSE OF COMMONS**  
**(Present total 85)**

**PART I**

(Salaries under Part I subject to limit of 50: present total 48)(a)

All those in Division A, and none of those in Division B, are in the Cabinet

**DIVISION A**

(Salaries under Division A subject to limit of 21: present total 20)(a)

Annual salary: Prime Minister and First Lord of the Treasury £41,891(b); all others  
 £33,260(c)

OFFICE	HOLDER IN COMMONS	HOLDER NOT IN COMMONS
Prime Minister and First Lord of Treasury ..	Mrs Thatcher	
Chancellor of the Exchequer ... ..	Mr Lawson	
Secretary of State for -		
Defence ... ..	Mr Heseltine	
Education and Science ... ..	Sir Keith Joseph	
Employment ... ..	Mr Tom King	
Energy ... ..	Mr Peter Walker	
Environment ... ..	Mr Jenkin	
Foreign and Commonwealth Affairs ...	Sir Geoffrey Howe	
Home Department ... ..	Mr Brittan	
Northern Ireland ... ..	Mr Hurd	
Scotland ... ..	Mr Younger	
Social Services ... ..	Mr Fowler	
Trade and Industry ... ..	Mr Tebbit	
Transport ... ..	Mr Ridley	
Wales ... ..	Mr Nicholas Edwards	
Minister of Agriculture, Fisheries and Food	Mr Jopling	
Lord President of the Council ... ..		Viscount Whitelaw
Lord Privy Seal ... ..	Mr Biffen	
Chancellor of the Duchy of Lancaster ... (Minister for the Arts)		Earl of Gowrie
Chief Secretary to the Treasury ... ..	Mr Peter Rees	
Minister without Portfolio ... ..		Lord Young of Graffham (a)

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TABLE I, PART I (contd.)

DIVISION B

(As to limit on salaries see above)

Annual salary: £21,881 - £28,000(c)

OFFICE	HOLDER IN COMMONS	HOLDER NOT IN COMMONS
Paymaster General.	Mr Gummer(a)	
Parliamentary Secretary to the Treasury.	Mr Wakeham	
Financial Secretary to the Treasury.	Mr John Moore	
Minister of State, Ministry of Agriculture, Fisheries and Food.	Mr MacGregor	Lord Belstead
Minister of State (Armed Forces), Ministry of Defence.	Mr Stanley	
Minister of State (Defence Procurement), Ministry of Defence.	Mr Butler	
Minister of State, Department of Employment.	Mr Morrison	
Minister of State, Department of Energy.	Mr Buchanan-Smith	
Minister of State (Local Government), Department of the Environment.	Mr Kenneth Baker	
Minister of State (Housing and Construction), Department of the Environment.	Mr Gow	
Minister of State, Department of the Environment.		Lord Elton
Minister of State, Foreign and Commonwealth Office.	Mr Rifkind Mr Luce	Baroness Young
Minister of State (Overseas Development), Foreign and Commonwealth Office.	Mr Raison	
Minister of State (Health), Department of Health and Social Security.	Mr Kenneth Clarke	
Minister of State (Social Security), Department of Health and Social Security.	Mr Newton	

TABLE I, PART I (contd.)

## DIVISION B (contd.)

	HOLDER IN COMMONS	HOLDER NOT IN COMMONS
Minister of State, Home Office.	Mr Waddington Mr Giles Shaw	
Minister of State, Northern Ireland Office.	Dr Boyson	
Minister of State, Scottish Office.		Lord Gray of Contin
Minister of State, Welsh Office.	Mr John Stradling Thomas	
Minister of State (Trade), Department of Trade and Industry.	Mr Channon	
Minister of State (Information Technology), Department of Trade and Industry.	Mr Pattie	
Minister of State, Department of Trade and Industry.	Mr Lamont	
Minister of State, Department of Transport.	Mrs Chalker	
Minister of State, Treasury.	<sup>Ret. Hon</sup> Mr Hayhoe	
Economic Secretary (Minister of State), Treasury.	Mr Ian Stewart	

TABLE I (contd.)**PART II**

Parliamentary Secretaries, other than Parliamentary Secretary to Treasury(d)

(Salaries under Part I and II of this Table, taken together, are subject to a limit of 83: present total 79)

Annual salary: £22,520(c)

DEPARTMENT	HOLDER IN COMMONS	HOLDER NOT IN COMMONS
Ministry of Agriculture, Fisheries and Food	Mrs Fenner	
Ministry of Defence ... ..	Mr Lee	Lord Trefgarne
Department of Education and Science ... ..	Mr Brooke Mr Dunn	
Department of Employment ... ..	Mr Alan Clark Mr Bottomley	
Department of Energy ... ..	Mr Goodlad Mr David Hunt	
Department of Environment ... ..	Mr Macfarlane Sir George Young Mr Waldegrave	
Foreign and Commonwealth Office ... ..	Mr Renton	
Department of Health and Social Security.	Mr John Patten Mr Whitney	Baroness Trumpington
Home Office ... ..	Mr Mellor	Lord Glenarthur
Northern Ireland Office ... ..	Mr Christopher Patten Mr Scott	Lord Lyell
Scottish Office ... ..	Mr Allan Stewart Mr John MacKay Mr Ancram	
Department of Trade and Industry... ..	Mr Butcher Mr Fletcher Mr Trippier	Lord Lucas of Chilworth
Department of Transport ... ..	Mr David Mitchell Mr Michael Spicer	
Welsh Office ... ..	Mr Wyn Roberts	

TABLE I (contd.)

**PART III**

**Offices held by Government Whips in the House of Commons, other than the Chief Whip(e)**

Annual salary: Treasurer of Her Majesty's Household £21,881; all others £13,601

	OFFICE	HOLDER
(a)	<b>HOUSEHOLD OFFICES</b>	
	Treasurer of Her Majesty's Household	Mr Cope
	Comptroller of Her Majesty's Household	Mr Mather
	Vice-Chamberlain of Her Majesty's Household.	Mr Boscawen
(b)	Junior Lord of the Treasury ... .. (Limit on salaries 5, present total 5)	Mr Donald Thompson Mr Lang Mr Garel-Jones Mr Archibald Hamilton Mr Major
(c)	Assistant Whip, House of Commons ... .. (Limit on salaries 7, present total 5)	Mr Neubert Mr Sainsbury Mr Durant Mr Peter Lloyd Mr Lennox-Boyd

**PART IV**

**Law Officers**

OFFICE	HOLDER IN COMMONS	HOLDER NOT IN COMMONS
Attorney General for England and Wales (annual salary £33,281).	Sir Michael Havers	
Lord Advocate (annual salary £33,320) ...		Lord Cameron of Lochbroom
Solicitor General for England and Wales (annual salary £27,131)	Sir Patrick Mayhew	
Solicitor General for Scotland (annual salary £22,991)	Mr Peter Fraser	

END OF TABLE I



TABLE II

OFFICES NEVER HELD BY MEMBER OF HOUSE OF COMMONS

Lord Chancellor (annual salary £66,000(b), less his salary as Speaker of the House of Lords).	Lord Hailsham of St. Marylebone
Captain of the Honourable Corps of Gentlemen-at-Arms (annual salary £28,000).	Lord Denham
Captain of the Queen's Bodyguard of the Yeomen of the Guard (annual salary £22,520).	Earl of Swinton
Lords in Waiting (f)(Limit on salaries 5, present total 5; annual salary £19,710).	Viscount Long Lord Skelmersdale Earl of Caithness Lord Brabazon of Tara Baroness Cox MS ymc 2/8/85

APPENDIX

OFFICES NOT HELD SEPARATELY

Minister for the Civil Service ...	An effective office so far held by the Prime Minister. It is within HCDA 1975 Schedule 2, and a salary is payable if the holder is not in the Cabinet.
President of the Board of Trade ...	Included in HCDA 1975 Schedule 2, but with no provision for salary; may in some contexts still be an effective office but all powers of the Board of Trade and the President now exercisable concurrently by Secretary of State, although there has been no transfer of property, contracts etc.; now held by Secretary of State for Trade and Industry.
First Commissioner of Works. Minister of Public Building and Works.	Phantom offices, with no functions, held ex officio by Secretary of State for Environment under S.I. 1970 No. 1681, so as to preserve title to property abroad; neither is included in HCDA 1975 Schedule 2, and there is no provision for salary.

**RESTRICTED**

**NOTES**

(a) There are 21 office-holders in Division A of Part I, and 50 in Part I as a whole, but Lord Young and Mr Gummer do not draw salaries as Minister without Portfolio (i.e. Minister of State) and Paymaster General respectively.

(b) These figures indicate the amounts legally payable but the Prime Minister in practice draws only £31,271 (the amount paid to such of the other office-holders in Division A of Part I as are in the Commons) and the Lord Chancellor draws only £39,980 (this is made up of £33,260, which is the amount paid to other office-holders in Division A of Part I who are in the Lords, and £6,720, which is the element in the Lord Chancellor's salary (as drawn) attributable to his position as Speaker of the House of Lords).

(c) The figures of £33,260 (Part I, Division A), £28,000 (Part I, Division B) and £22,520 (Part II) are the amounts paid to office-holders in the Lords; those in the Commons are paid less but also receive a Parliamentary salary (currently £11,709).

(d) The term "Parliamentary Secretary" is properly the title of an office in a department (and includes Parliamentary Under-Secretary of State), the holder being regarded originally at least as partaking partly of the character of an official and partly of that of a Minister of the Crown. By the definition in HCDA 1975 s.9 the term may also include, for the purposes of these Tables, a subordinate Minister not in a department.

**RESTRICTED**

(e) The Household Offices here included, like that of junior Lord of the Treasury, are always held by a Member of the House of Commons and by a junior Whip; this may or may not be legally necessary. For a time one of the junior Lords also held office as Parliamentary Secretary in the Civil Service Department.

(f) The number of Lords in Waiting nominated by the government was at one time regularly 6, though this number may have been exceeded. Until 1924 all were "political" appointments, but from then until 1972 only 3 were; the Ministerial Salaries Act 1946 s.2 provided for 3 salaries to be transferred from the Civil List to Votes. The number of salaries payable out of Votes was increased to 5 in 1972 (see now the Ministerial and other Salaries Act 1975 Schedule 1 Part V paragraph 2(f)); and this has been followed by a corresponding increase in the number of Ministerial holders of the office. But should any question arise as to the number that may be regarded as "political" appointments, reference should be made to 10 Downing Street.

**MINISTERIAL AND OTHER OFFICE HOLDERS SALARIES****CABINET**

*Prime Minister First Lord of the Treasury and Minister for the Civil Service	- The Rt Hon Margaret Thatcher MP	31,271 (i)
Lord President of the Council and Leader of the House of Lords	- The Rt Hon Viscount Whitelaw CH MC	33,260
Lord Chancellor	- The Rt Hon The Lord Hailsham of St Marylebone CH	33,260 (ii)(iii)
*Secretary of State Foreign and Commonwealth Affairs	- The Rt Hon Sir Geoffrey Howe QC MP	31,271
Secretary of State Home Department	- The Rt Hon Leon Brittan QC MP	31,271
*Chancellor of the Exchequer	- The Rt Hon Nigel Lawson MP	31,271
Secretary of State Education & Science	- The Rt Hon Sir Keith Joseph Bt MP	31,271
Secretary of State Energy	- The Rt Hon Peter Walker MBE MP	31,271
Secretary of State Defence	- The Rt Hon Michael Heseltine MP	31,271
Secretary of State Scotland	- The Rt Hon George Younger TD MP	31,271
Secretary of State Wales	- The Rt Hon Nicholas Edwards MP	31,271
Secretary of State Environment	- The Rt Hon Patrick Jenkin MP	31,271
Lord Privy Seal and Leader of the House of Commons	- The Rt Hon John Biffen MP	31,271
Secretary of State Social Services	- The Rt Hon Norman Fowler MP	31,271

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Secretary of State Trade and Industry	- The Rt Hon Norman Tebbit MP	31,271
Secretary of State Employment	- The Rt Hon Tom King MP	31,271
Minister of Agriculture, Fisheries and Food	- The Rt Hon Michael Jopling MP	31,271
Chief Secretary to the Treasury	- The Rt Hon Peter Rees QC MP	31,271
Secretary of State Transport	- The Rt Hon Nicholas Ridley MP	31,271
Secretary of State Northern Ireland	- The Rt Hon Douglas Hurd CBE MP	31,271
Chancellor of the Duchy of Lancaster and Minister for the Arts	- The Rt Hon The Earl of Gowrie	33,260
Minister without Portfolio	- The Rt Hon The Lord Young of Graffham	Unpaid
<b>LAW OFFICERS</b>		
Attorney General	- The Rt Hon Sir Michael Havers QC MP	33,281
*Lord Advocate	- The Rt Hon The Lord Cameron of Lochbroom QC	33,320
Solicitor-General	- Sir Patrick Mayhew QC MP	27,131
Solicitor-General for Scotland	- Peter Fraser Esq QC MP	22,991
<b>MINISTERS NOT IN THE CABINET</b>		
Parliamentary Secretary Treasury (Chief Whip)	- The Rt Hon John Wakeham MP	25,881
Paymaster General	- John Selwyn Gummer Esq MP	Unpaid
Ministers of State Foreign & Commonwealth Office	- The Rt Hon The Baroness Young	28,000
	- Malcolm Rifkind Esq MP	21,881
	- Richard Luce Esq MP	21,881
	- Minister for Overseas Development The Rt Hon Timothy Raison MP	21,881
Ministers of State Home Office	- David Waddington Esq QC MP	21,881
	- Giles Shaw Esq MP	21,881

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Financial Secretary Treasury	- John Moore Esq MP	21,881
Ministers of State Treasury	- Barney Hayhoe Esq MP	21,881
	- Economic Secretary Ian Stewart Esq MP	21,881
Minister of State Department of Energy	- The Rt Hon Alick Buchanan-Smith MP	21,881
Ministers of State Ministry of Defence	- Armed Forces The Rt Hon John Stanley MP	21,881
	- Defence Procurement The Rt Hon Adam Butler MP	21,881
*Minister of State Scottish Office	- The Rt Hon The Lord Gray of Contin	28,000
Minister of State Welsh Office	- John Stradling Thomas Esq MP	21,881
Ministers of State Department of the Environment	- Minister for Local Government The Rt Hon Kenneth Baker MP	21,881
	- Minister for Housing and Construction Ian Gow Esq TD MP	21,881
	The Lord Elton TD	28,000
Ministers of State Department of Health and Social Security	- Minister for Health The Rt Hon Kenneth Clarke QC MP	21,881
	- Minister for Social Security Anthony Newton Esq OBE MP	21,881
Ministers of State Department of Trade and Industry	- Minister for Trade The Rt Hon Paul Channon MP	21,881
	- Minister for Information Technology Geoffrey Pattie Esq MP	21,881
	- Norman Lamont Esq MP	21,881
Minister of State Department of Employment	- The Hon Peter Morrison MP	21,881
Ministers of State Ministry of Agriculture, Fisheries & Food	- The Rt Hon The Lord Belstead	28,000
	- John MacGregor Esq OBE MP	21,881
Minister of State Department of Transport	- Mrs Lynda Chalker MP	21,881
Minister of State Northern Ireland Office	- Dr Rhodes Boyson MP	21,881

**JUNIOR MINISTERS**

Parliamentary Secretary Agriculture, Fisheries and Food	- Mrs Peggy Fenner MP	16,411
Under Secretary of State Ministry of Defence	- Armed Forces The Lord Trefgarne	22,520
	- Defence Procurement John Lee Esq MP	16,411
Under Secretary of State Education and Science	- The Hon Peter Brooke MP	16,411
	- Robert Dunn Esq MP	16,411
Under Secretary of State Employment	- The Hon Alan Clark MP	16,411
	- Peter Bottomley Esq MP	16,411
Under Secretary of State Energy	- Alastair Goodlad Esq MP	16,411
	- David Hunt Esq MBE MP	16,411
Under Secretary of State Environment	- Neil Macfarlane Esq MP	16,411
	- Sir George Young Bt MP	16,411
	- The Hon William Waldegrave MP	16,411
Under Secretary of State Foreign & Commonwealth Affairs	- Timothy Renton Esq MP	16,411
Under Secretary of State Health and Social Security	- John Patten Esq MP	16,411
	- Raymond Whitney Esq OBE MP	16,411
	- The Baroness Trumpington	22,520
Under Secretary of State Home Office	- David Mellor Esq MP	16,411
	- The Lord Glenarthur	22,520
Under Secretary of State Northern Ireland Office	- Nicholas Scott Esq MBE MP	16,411
	- Christopher Patten Esq MP	16,411
	- The Lord Lyell	22,520
Under Secretary of State Scottish Office	- Allan Stewart Esq MP	16,411
	- John Mackay Esq MP	16,411
	- Michael Ancram Esq MP	16,411
Under Secretary of State Trade and Industry	- John Butcher Esq MP	16,411
	- Alexander Fletcher Esq MP	16,411
	- David Trippier Esq MP	16,411
	- The Lord Lucas of Chilworth	22,520
Under Secretary of State Transport	- David Mitchell Esq MP	16,411
	- Michael Spicer Esq MP	16,411
Under Secretary of State Welsh Office	- Wyn Roberts Esq MP	16,411

**OPPOSITION - HOUSE OF LORDS**

Leader of the Opposition	- Lord Cledwyn of Penrhos	22,520
Chief Opposition Whip	- Lord Ponsonby of Shulbrede	19,710

**HOUSE OF COMMONS**

SPEAKER (Commons)	- The Rt Hon Bernard Weatherill MP	32,851
Chairman of Ways and Means (Deputy Speaker)	- The Rt Hon Harold Walker MP	21,881
First Deputy Chairman of Ways and Means (Deputy Speaker)	- The Rt Hon Ernest Armstrong MP	19,131
Second Deputy Chairman of Ways and Means (Deputy Speaker)	- Paul Dean Esq MP	19,131

**HOUSE OF LORDS**

Chairman of Committees	- The Rt Hon The Lord Aberdare	28,000
Principal Deputy Chairman of Committees	- The Rt Hon Baroness Llewelyn-Davies of Hastoe	25,160

- (i) pensionable pay for the Prime Minister is £41,891.
- (ii) in addition the Lord Chancellor receives £6,720 from the House of Lords in respect of Speaker's salary.
- (iii) pensionable pay for the Lord Chancellor is £66,000.

**NOTE:**

1. All MPs receive a reduced parliamentary salary of £11,709 pa in addition to their ministerial salary.
2. All ministers except those marked\* (because they are provided with official residences or are regarded as based in Scotland) receive £908 pa London Supplement.



**GOVERNMENT WHIPS - HOUSE OF COMMONS**

Treasurer of Her Majesty's Household (Deputy Chief Whip)	- John Cope Esq MP	21,881
Comptroller of Her Majesty's Household (Government Whip)	- Carol Mather Esq MC MP	13,601
Vice-Chamberlain of Her Majesty's Household (Government Whip)	- The Hon Robert Boscawen MC MP	13,601
Lords Commissioners (Government Whips)	- Donald Thompson Esq MP - Ian Lang Esq MP - Tristan Garel-Jones Esq MP - The Hon Archibald Hamilton MP - John Major Esq MP	13,601 13,601 13,601 13,601 13,601
Assistant Government Whips	- Michael Neubert Esq MP - The Hon Timothy Sainsbury MP - Tony Durant Esq MP - Peter Lloyd Esq MP - The Hon Mark Lennox-Boyd MP	13,601 13,601 13,601 13,601 13,601

**GOVERNMENT WHIPS - HOUSE OF LORDS**

Captain of the Honourable Corps of Gentlemen at Arms (Chief Whip)	- The Rt Hon The Lord Denham	28,000
Captain of the Queen's Bodyguard of the Yeoman of the Guard (Deputy Chief Whip)	- The Earl of Swinton	22,520
Lords in Waiting (Government Whips)	- The Viscount Long - The Lord Skelmersdale - The Earl of Caithness - The Lord Brabazon of Tara	19,710 19,710 19,710 19,710
Baroness in Waiting	- The Baroness Cox	19,710

**OPPOSITION - HOUSE OF COMMONS**

Leader of the Opposition	- The Rt Hon Neil Kinnock MP	28,601
Chief Opposition Whip	- The Rt Hon Michael Cocks MP	21,881
Assistant Opposition Whips	- Norman Hogg Esq MP - James Hamilton Esq CBE MP	13,601 13,601