

ARTICLES

CONSTITUTIONAL LAW

A seat at the table: the Ministerial Salaries (Amendment) Act 2026

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Introduction

The Ministerial and Other Salaries Act 1975 (the 1975 Act) is, arguably, a key element of the UK's constitutional architecture, yet it attracts remarkably little notice.¹ In 2026 the Government introduced a minor amendment – the Ministerial Salaries (Amendment) Act 2026 – which received Royal Assent on 29 April 2026. This raised the total number of ministerial salaries payable at any one time from 109 to 120, and lifted the cap on Cabinet-rank salaries from 21 to 22.² A companion instrument, the Ministerial and Other Salaries Act 1975 (Amendment) Order 2026, corrected at the same time an error in the salary-uprating formula that had gone unremedied since 1997.³

The reform's practical effect became visible within weeks. In June 2026 Sir Alan Campbell, Lord President of the Council and Leader of the House of Commons, was made a full member of the Cabinet, having previously only attended it.⁴ The salary status of a further eight ministers – seven of whom are members of the House of Lords – was changed to that of salaried ministers. These appointments illustrate the operation of the 1975 Act, and why its limits had become, by 2026, a binding constraint that the Government chose to loosen rather than observe.

The amendment sought to address an issue which had been identified several years previously, and which had become the subject of some disquiet among commentators and peers.⁵ The 1975 Act caps only the number of ministers who are entitled to a salary. In recent years, Prime Ministers have routinely appointed more ministers than the 1975 Act provides salaries for. Such ministers are, therefore, unpaid. The 2026 Act seeks to address this issue directly by raising the limit on the number of salaried ministers until unpaid ministers largely disappear beneath it. The difficulty, which this article seeks to address, is that the reform treated a symptom rather than the cause. Parliament has legislated for the level of ministerial pay,⁶ and for how many such ministers may sit and vote in the Commons,⁷ but it has never legislated for how many ministers actually exist at any given time. The number of ministers is not fixed by statute and is, instead, a matter of Crown prerogative.

This article begins by addressing the question in the salary debate often omits – who counts as a minister at all? – to demonstrate that status and salary rely on different legal bases. It then sets

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¹ Ministerial and Other Salaries Act 1975 (c 27).

² Ministerial Salaries (Amendment) Act 2026 (c 17); and see House of Commons Library, *Ministerial Salaries (Amendment) Act 2026: Passage of the Legislation* (CBP-10558, 2026) <<https://commonslibrary.parliament.uk/research-briefings/cbp-10558/>> accessed 3 July 2026.

³ The Ministerial and Other Salaries Act 1975 (Amendment) Order 2026, SI 2026/592.

⁴ Sir Alan Campbell's admission to the Cabinet took effect on 12 June 2026, see: Prime Minister's Office, 'Ministerial appointments: 12 June 2026' (*GOV.UK*, 12 June 2026)

<<https://www.gov.uk/government/news/ministerial-appointments-12-june-2026>> accessed 30 June 2026; for the purposes of the Schedule the conclusive record is the notification in the London Gazette required by the 1975 Act (n 1), Sch 1, para 1(2).

⁵ The size of the payroll and the problem of unpaid ministers had been examined by the Public Administration Select Committee more than a decade earlier, and the specific grievance of unsalaried ministers in the House of Lords resurfaced during the passage of the House of Lords (Hereditary Peers) Act 2026. Both discussed below.

⁶ The 1975 Act (n 1) s 1 and Sch 1.

⁷ House of Commons Disqualification Act 1975 s 2(1).

the 1975 Act in historical context, outlines its (relatively few) key features, and traces the widening gap between the statutory ceiling and the actual size of recent governments. A key element of this is the ‘attending Cabinet’ device whereby the political Cabinet has come to exceed the salaried one. This article then turns to the 2026 Act and concludes that it addresses the symptom of the problem (some ministers in recent years have been unpaid) rather than the cause which is, chiefly, that the question of the appropriate size of the government has never been settled as a matter of law.

Who is a minister?

A minister is appointed by the Crown on the advice of the Prime Minister, under the royal prerogative. There is no statutory enumeration of ministers, and no requirement that Parliament approve any appointment. Ministers (of whatever type) hold office at the pleasure of the Prime Minister and may be appointed or dismissed at will.⁸ A general statutory definition can be found in section 8(1) of the Ministers of the Crown Act 1975, which provides that a Minister of the Crown is ‘the holder of an office in His Majesty’s Government in the United Kingdom’, together with the Treasury, the Board of Trade and the Defence Council.⁹ This circular definition provides that a minister is a person who holds a ministerial office. It does not specify which offices shall exist, how many there may be, or what their office holders must be paid.

The sole purpose of the 1975 Act is to cap the number of ministers who may be paid and to provide a schedule for their remuneration. The other 1975 Act – the House of Commons Disqualification Act 1975 – caps, at ninety-five, the number who may sit and vote in the Commons, whether paid or not.¹⁰ The number of ministers there may be at any given time is not determined by statute, nor is the question of who may be appointed to such offices.¹¹ Brazier confirms the extent to which the establishment of ministerial office is held by convention and practice rather than law.¹²

While Ministerial office therefore flows from the prerogative, ministerial salaries are a product of statute. A person may be a minister of the Crown, exercise statutory powers, sit in Cabinet and be bound by collective responsibility, and yet count against none of the statutory limits, because those limits relate only to either salaries or membership of the House of Commons. This disjunct has enabled successive Prime Ministers to enlarge the size of their governments beyond the limits envisaged by the 1975 Act.

Origins and lineage

The Ministerial and Other Salaries Act is a consolidating statute, as illustrated by its long title: ‘An Act to consolidate the enactments relating to the salaries of Ministers and Opposition Leaders and Chief Whips and to other matters connected therewith’.¹³ The 1975 Act did not, therefore, establish the regulation of ministerial pay so much as gather up a body of law that had been accreting for the better part of two centuries.

The salaries of the most senior offices of state had been fixed by statute as far back as the 1830s and remained largely static for a remarkably long period afterwards. The salary of a minister of Cabinet rank, for instance, was fixed at £5,000 in 1831 and stood unaltered for well over a

⁸ Rodney Brazier, *Ministers of the Crown* (Clarendon Press 1997). Ministers are appointed by the Crown on the advice of the Prime Minister under the prerogative, hold office at the Prime Minister’s pleasure, and require no approval by Parliament: *ibid*, chs 1 and 5.

⁹ Ministers of the Crown Act 1975, s 8(1).

¹⁰ House of Commons Disqualification Act 1975 s 2(1).

¹¹ With some exceptions. For example, under the Constitutional Reform Act 2005, s 2, a person may not be recommended for the office of Lord Chancellor unless they appear to the Prime Minister to be ‘qualified by experience’.

¹² Brazier (n 8) ch 1.

¹³ The 1975 Act (n 1), long title.

century. The Ministers of the Crown Act 1937 placed salaries on a statutory footing without raising them, and they were not substantially increased until the Lawrence Report of 1964.¹⁴ The contemporary framework is a product of the post-war decades, when ministerial pay was referred repeatedly to independent review. The Lawrence Committee of 1964 recommended substantial increases, on the basis that ministers were then permitted to draw only a fraction of their parliamentary salary.¹⁵ The immediate predecessor of the 1975 Act was the Ministerial and Other Salaries Act 1972, which implemented the recommendations of the first report of the Review Body on Top Salaries, the Boyle Report,¹⁶ including the principle that ministers should receive some remuneration for the constituency work they continued to perform alongside their departmental duties.¹⁷

The 1975 Act, therefore, tidied up the existing framework rather than constructing a new one. The 1975 Act's role as a consolidating statute is significant for two reasons. First, the fact that the Act is something of a 'tidying-up exercise' explains its schedule-heavy and relatively uncontroversial nature. It also explains why the Act has come to carry constitutional weight which is arguably out of proportion to its decidedly un-sexy subject matter. By fixing the number of salaried ministerial offices, the 1975 Act, together with the House of Commons Disqualification Act 1975 enacted on the same day, establishes one of the few legal limits on the size of the executive.

The Ministerial and Other Salaries Act 1975

The 1975 Act performs two distinct functions. The first is to set the level of ministerial salaries. Section 1 provides for the holder of each office listed in Schedule 1 to be paid the amount provided for by that Schedule, and sections 1A and 1B contain the mechanism by which those amounts are uprated, tying ministerial pay to movements in the mid-points of the Senior Civil Service pay bands.¹⁸ In recent years the practical significance of the formula has been blunted by the convention that ministers waive their entitlement to annual increases.¹⁹

The second function is to cap the number of salaried posts – though the Act nowhere states that cap as a figure. Section 1 provides that the holder of each office in Schedule 1 be paid, paragraph 2 of Part 5 of which allows certain named offices (for example, Secretaries of State, Ministers of State, and whips) to be held by more than one salaried person at once, 'so long as not more than' a stated number of salaries 'are paid at the same time'.²⁰ No more than 21 (now 22) may be paid at Cabinet rank. The limit applies to the whole of Part 1 of the Schedule, the Prime Minister and Chancellor included, with the office of Secretary of State allowed to be held by more than one person simultaneously. No more than 50 (now 54) may be salaried across Cabinet and Minister of State rank combined; and no more than 83 (now 94) across those ranks together with the junior tier of Parliamentary Secretaries (with the Chief Whip's office excepted). Three smaller limits cap the Junior Lords of the Treasury, the Assistant Whips, and the paid Lords in Waiting. The limits operate cumulatively rather than as separate quotas, so that a salary unused at a senior rank cascade down to fund a more junior one.

By lifting the cap for the offices it names, paragraph 2 confirms that every other office in the Schedule is assumed to have a single holder, and so a single salary. The total is then reached by

¹⁴ *Report of the Committee on the Remuneration of Ministers and Members of Parliament* (Cmnd 2516, 1964).

¹⁵ Section 6 of the Ministers of the Crown Act 1937 expressly prohibited ministers from drawing a salary as an MP. The Ministerial Salaries Act 1946, section 3, permitted ministers to draw the princely sum of £500 from their MP wage.

¹⁶ First report of the Review Body on Top Salaries (the Boyle Report) (Cmnd 4836, 1971).

¹⁷ Ministerial and Other Salaries Act 1972; the Boyle Report (n 16).

¹⁸ The 1975 Act (n 1), ss 1, 1A–1B; and see SI 2026/592 (n 3).

¹⁹ House of Lords Library, Ministerial Salaries (Amendment) Bill: HL Bill 179 of 2024–26 (LLN-2026-0007) <<https://lordslibrary.parliament.uk/research-briefings/lln-2026-0007/>> accessed 30 June 2026.

²⁰ Parts 1 to 4 of Schedule 1 were substituted by the Ministerial and Other Salaries Act 1975 (Amendment) Order 2011, SI 2011/1689; the cumulative limits are in Sch 1, Pt 5, para 2.

adding all of these together. The cumulative ministerial ceiling – 83 before the 2026 amendment, 94 after – together with the twenty-six salaries provided separately for the Lord Chancellor, the Law Officers and the whips and Household offices, came to 109, which the 2026 Act increases to 120.²¹ *salaries*, and not ministers. A minister who draws no salary (perhaps paid from party funds, in the case of the Chairman of the Conservative Party), or whose office is funded at a rank below the one they occupy, does not count against that ceiling.²²

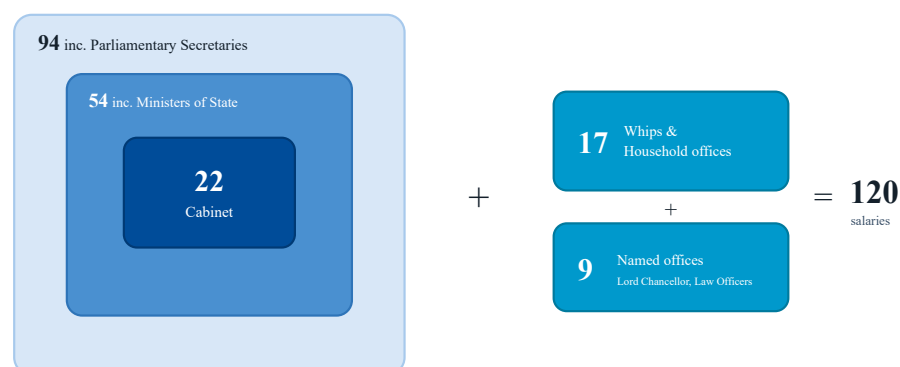


Figure 1: Structure of ministerial salary limits

Three categories of office sit outside this cumulative structure and are paid under separate provisions. The Lord Chancellor is salaried not from the Cabinet pot but under their own subsection – section 1(2) – which charges the salary on the Consolidated Fund rather than on money voted annually by Parliament. The Law Officers – the Attorney General, the Solicitor General and the Advocate General for Scotland – have their own Part of Schedule 1, Part 3, which the numerical limits in paragraph 2 of Part 5 do not affect. As such, an Attorney General who attends Cabinet consumes none of the twenty-two Secretary of State salaries to which Cabinet rank is pegged. The third category lies outside the ministerial scheme altogether – the ‘other salaries’: the Speakers of the two Houses are salaried under sections 1(3) and 1(3A), and the Leaders and Whips of the Opposition under section 1(1)(b) and Schedule 2. With the single exception of the Lords Speaker, these – like the Lord Chancellor – are charged on the Consolidated Fund.

The question of who is a member of the Cabinet? is significant under the 1975 Act. Certain offices, among them the Lord President of the Council, the Lord Privy Seal, the Chancellor of the Duchy of Lancaster, the Paymaster General, the Chief Secretary to the Treasury and the Parliamentary Secretary to the Treasury, draw a Cabinet-rank salary only ‘so long as the holder is a member of the Cabinet’. Whether the holder is or is not a member is, for the purposes of the Schedule, conclusively established by notification in the London Gazette.²³ ‘Member of the Cabinet’ is therefore not, under the 1975 Act, a question as to who attends meetings, but a statutory status evidenced by a Gazette notice. One such office, for example the Paymaster General, draws a Cabinet-rank salary if its holder is gazetted into Cabinet, but only a Minister of State salary if its holder merely attends.

²¹ The 1975 Act (n 1), Sch 1; on the increase in the total from 109 to 120, the Ministerial Salaries (Amendment) Act 2026 (n 2), s 1.

²² In 2014, Baroness Stowell of Beeston was paid as a Minister of State rather than as a member of the Cabinet. The Prime Minister, in a letter read into the record, accepted that the Leader should ‘as a general rule, always be a full member of the Cabinet’, but that it was ‘not possible on this occasion, owing to the provisions of the Ministerial and Other Salaries Act 1975’. A proposal to make up the shortfall from Conservative Party funds was withdrawn, on the objection that the office should be ‘remunerated wholly out of public funds’; the Leader took the second-tier salary alone. HL Deb 28 July 2014, vol 755, col 1492.

²³ The 1975 Act (n 1), Sch 1, para 1(2).

The widening gap

The arithmetic of the 1975 Act would be a matter of historical interest were it not for the simple fact that for the better part of two decades, governments have wanted more ministers than the Act will pay for. Every government since 2010 has appointed more ministers than the 1975 Act's salary ceiling permits, with the total ranging between roughly 118 and 123 and averaging around 120. The total number of ministers reached a record 125 at the end of Rishi Sunak's premiership.²⁴ The government formed after the 2024 general election numbered, by early 2026, some 122 ministers.²⁵

It is worth noting that such sustained bloat is a (relatively) recent practice. The last government to sit within the salary ceiling was John Major's in 1992. From 1997, the total crept just above it, so that a handful of ministers – two to four, almost all of them junior peers – went unpaid under Tony Blair and Gordon Brown. The decisive break came in 2010, when the Coalition's total leapt to 118 and the number serving unpaid rose into the low teens. While this might have been justified on the basis that an unprecedented sharing of power had swelled the ministerial ranks, the swelling never subsided. After winning an outright majority in 2015, David Cameron appointed a government of much the same size, as did every administration after it. A politically expedient arrangement in 2010 became the norm thereafter. This suggests that the enduring bloat is not a product of political necessity but the absence of any limit to push back against.

Faced with a ceiling lower than they would like, successive Prime Ministers have developed a repertoire of devices for exceeding the statutory limit without breaching it, principal among which is the unpaid minister. As the 1975 Act limits only salaried posts, a Prime Minister may appoint ministers who do not draw a ministerial salary, with this surplus being accommodated, for the most part, in the Lords. The explanation for this can be found in the 'other' 1975 Act, the House of Commons Disqualification Act, section 2 of which limits the number of members who may serve as ministers to ninety-five. There is no such limit, however, on peers being appointed ministers. The unpaid minister of the present day is, therefore, not necessarily a wealthy volunteer who declines a salary they could comfortably forgo, but a conscript of the statutory limit. For over a decade roughly a dozen departmental ministers have performed a full-time job for no pay because the statutory cap has been exceeded and, normally, the minister in question happens to be a peer. In limited instances, a minister is paid by their party rather than from public funds, such as where a Minister without Portfolio who also serves as party chair is remunerated by the party.

Perhaps the most visible gap in the framework can be seen in the distinction between membership of and attendance at Cabinet. As the Prime Minister determines who attends, ministers may be invited to sit in Cabinet without being made full members of it.²⁶ Cabinet meetings, therefore, have been larger for many years than the twenty-one salaried members the Act recognises, and the surplus attenders have been paid not as Cabinet ministers but at the more junior rank their substantive office attracts (or, in the case of Law Officers, separately).

The growth of ministers 'attending Cabinet' can be seen over time. Membership of the Cabinet has barely changed since 1979, held between twenty-one and twenty-three. The number of non-

²⁴ Institute for Government, *Ministers Database* <<https://www.instituteforgovernment.org.uk/ministers-database>> accessed 30 June 2026; and the Explanatory Notes to the Ministerial Salaries (Amendment) Bill (Cabinet Office, 2026). The total reached a record 125 at the end of Rishi Sunak's premiership.

²⁵ Explanatory Notes to the Ministerial Salaries (Amendment) Bill (n 24).

²⁶ On the Prime Minister's control of who attends Cabinet, and the distinction between membership of and attendance at it, see Cabinet Office, *The Cabinet Manual: A Guide to Laws, Conventions and Rules on the Operation of Government* (1st edn, 2011) ch 4 <<https://www.gov.uk/government/publications/cabinet-manual>> accessed 3 July 2026. The three tiers—full members, ministers attending by standing invitation, and ministers attending only when their own business is on the agenda—are recorded in the Cabinet Office's *List of Ministerial Responsibilities*, published periodically <<https://www.gov.uk/government/publications/government-ministers-and-responsibilities>> accessed 3 July 2026.

members enjoying a standing invitation to attend has grown considerably, reaching double figures under both David Cameron and Boris Johnson.²⁷

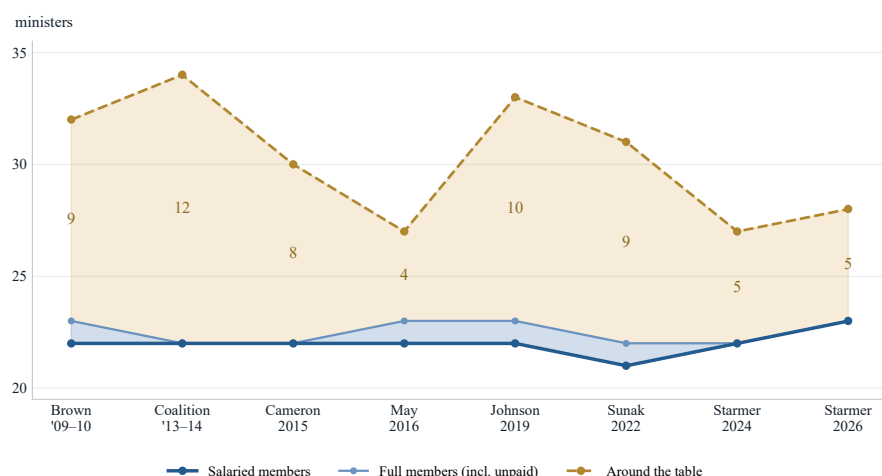


Figure 2: full Cabinet membership against total attendance, 2007–2026

It is worth noting that the historic trend has not been uniform. At the formation of his government in June 2007, Gordon Brown’s Cabinet had three tiers: twenty-two full members; five ministers attending by standing invitation, among them the Attorney General; and one – the Minister of State for Children, Young People and Families – attending when her brief was on the agenda.^{28,29} It is arguable that such a bulge could be explained by the necessities of power-sharing. The coalition agreement required ministerial posts to be distributed roughly in proportion to each party’s size,³⁰ but with the salaried Cabinet fixed at twenty-one the only way to give the Liberal Democrats a presence across departments was to inflate the unpaid attending tier, which is uncapped.³¹

The governments that followed the Coalition did not revert to the prior practice, but there was some variation. David Cameron’s majority government of 2015 retained eight attenders;³² Theresa May cut the number to four in 2016,³³ then Boris Johnson restored it to ten on taking

²⁷ Institute for Government, *Ministers Database* (n 24). Standing attendance at Cabinet is recorded systematically only from October 1998; earlier figures are inferred from Cabinet minutes.

²⁸ Institute for Government Ministers Database (n 24).

²⁹ For the formation figure, the Cabinet Office’s *List of Ministerial Responsibilities* (May 2010) and House of Commons Library, *Ministers in the 2010–15 Coalition Government* (SN06544) <<https://commonslibrary.parliament.uk/research-briefings/sn06544/>> accessed 3 July 2026; for the dissolution figure of 33 (22 members, 11 attending), Institute for Government, *Learning to Share: the Balance of Ministers, 2010–2015* <<https://www.instituteforgovernment.org.uk/article/comment/learning-share-balance-ministers-2010-2015>> accessed 3 July 2026.

³⁰ Cabinet Office, *Coalition Agreement for Stability and Reform* (May 2010)

<<https://www.gov.uk/government/publications/the-coalition-documentation>> accessed 3 July 2026, under which ‘the principle of balance’ was to govern the conduct of the Government’s business, including the allocation of responsibilities between the parties; and HM Government, *The Coalition: Our Programme for Government* (May 2010). The agreement fixed no numerical proportionality of posts; the balance principle is the governing text.

³¹ Institute for Government, *Learning to Share* (n 29).

³² Eight ministers attended Cabinet without full membership; the figure is drawn from the IfG Ministers Database (n 24) and from Prime Minister’s Office, ‘Her Majesty’s Government’ (12 May 2015).

³³ Prime Minister’s Office, ‘Full List of New Ministerial and Government Appointments: July 2016’ (*GOV.UK*, 13 July 2016) <<https://www.gov.uk/government/news/full-list-of-new-ministerial-and-government-appointments>> accessed 30 June 2026.

office in 2019³⁴ before slashing it to four in 2020,³⁵ before Sir Keir Starmer reduced the figure to five.³⁷ The size of the attending tier reflects the preferences of incumbent Prime Ministers rather than any rule. As the 1975 Act caps the number of paid Cabinet places but says nothing about who else may sit at the table, attendance is the only part of the Cabinet a Prime Minister can expand at will, and the only means of seating more ministers than the statute will fund.

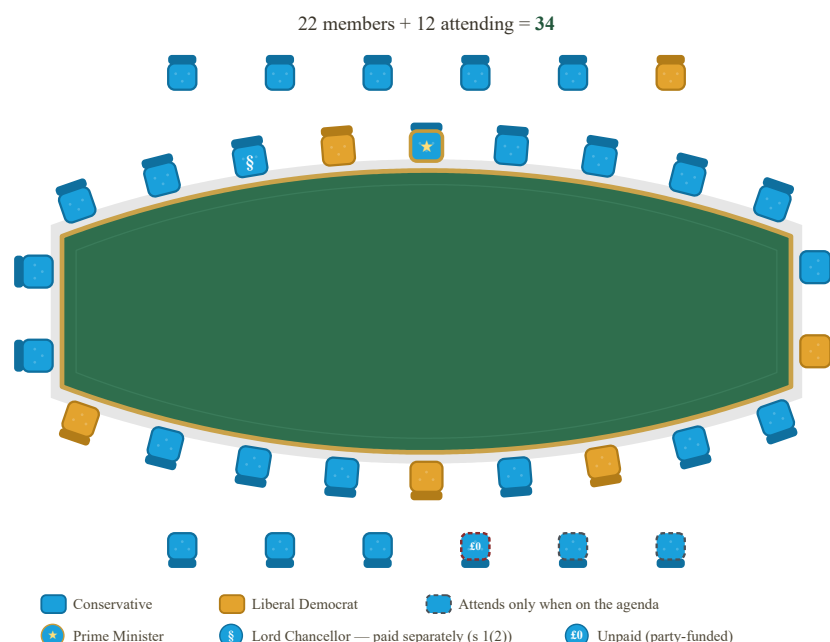


Figure 3: The Cabinet at its modern peak – the Coalition in 2013–14

This bloating has not gone unremarked. The Public Administration Select Committee returned to the question twice during the 2010–2015 Parliament. In *Too Many Ministers?* it warned that the ministerial side of government had grown too large, recommending both that the total be reduced, ultimately to eighty, and that the payroll vote be capped at 15 per cent of the House.³⁸ In its follow-up, *Smaller Government: What do Ministers do?*, it recommended that the 1975 Act be treated as a strict limit, that the Government should not appoint unpaid ministers where doing so would carry it over that limit, and that unpaid Parliamentary Private Secretaries be confined to one per department.³⁹ The Committee's concerns were not fiscal, but constitutional. Where the payroll vote grows while the House does not, it enlarges the bloc of members bound by collective responsibility to support the Government, and correspondingly weakens the capacity of Parliament to scrutinise it.⁴⁰ By 2025 the wider payroll vote had reached a record figure, well

³⁴ Prime Minister's Office, 'Full List of New Ministerial and Government Appointments: July 2019' (GOV.UK, 24 July 2019) <<https://www.gov.uk/government/news/full-list-of-new-ministerial-and-government-appointments-july-2019>> accessed 30 June 2026.

³⁵ Following the reshuffle of 13 February 2020; the figure is drawn from the IfG Ministers Database (n 24) and from Prime Minister's Office, 'Ministerial appointments: February 2020' (GOV.UK, 13 February 2020) <<https://www.gov.uk/government/news/latest-updates-on-ministerial-appointments-13-february-2020>> accessed 3 July 2026.

³⁶ Derived from the roster of the first Sunak ministry (formed 25 October 2022); Institute for Government, Ministers Database (n 24): nine ministers attended Cabinet without full membership, among them the unpaid Chief Secretary.

³⁷ Prime Minister's Office, 'Ministerial appointments: July 2024' (GOV.UK, 5 July 2024) <<https://www.gov.uk/government/news/ministerial-appointments-july-2024>> accessed 30 June 2026.

³⁸ Public Administration Select Committee, *Too Many Ministers?* (HC 2009–10, 457).

³⁹ Public Administration Select Committee, *Smaller Government: What do Ministers do?* (HC 2010–11, 530).

⁴⁰ A point which is sharper in its contemporary context. The Parliamentary Voting System and Constituencies Act 2011, s 11(1), substituted a new Schedule 2 to the Parliamentary Constituencies Act 1986, rule 1 of which fixed the number of constituencies at 600 (down from 650). The reduction was never brought into force, and the figure was restored to 650 by the Parliamentary Constituencies Act 2020, s 5.

over 170 members, approaching 27 per cent of the Commons, a long way from the sixty ministers who made up the whole of government at the turn of the twentieth century.⁴¹

The 2026 reforms

The Ministerial Salaries (Amendment) Act 2026 is a short statute with a single operative clause. It amends paragraph 2 of Part 5 of Schedule 1 so as to raise each of the three cumulative limits of the 1975 Act: Cabinet rank from 21 to 22; Cabinet and Minister of State rank combined from 50 to 54; and the three ranks combined from 83 to 94. The aggregate effect is to lift the total number of payable ministerial salaries from 109 to 120.⁴² Certified as a money bill, it passed its Commons stages without amendment and came into force on the day it was passed.

The new ceiling was set to reflect the average size of government since 2010, around 120, and was presented as a measure that would largely end the practice of appointing unpaid ministers.⁴³ The reform was, in many respects, a classic compromise. The problem it confronted – the unpaid minister – was long identified. One solution might have been that government should be made smaller. This is, arguably, politically infeasible because Prime Ministers are unlikely to accept that their government should be smaller than their predecessors. As such, the limit of 120 was chosen precisely to match the size government had already reached. Faced with a discipline it would not impose and a practice it would not reverse, the Government instead chose to lift the cap to reflect the political reality.

How the present settlement was arrived at is, in large part, a product of a related legislative process. The question of unpaid ministers had been pressed during the passage of the House of Lords (Hereditary Peers) Act 2026, when the Lords carried an amendment, moved by Lord True, that would have restricted the appointment of unsalaried ministers in that House.⁴⁴ The amendment was not retained, but the Government undertook to address the underlying grievance, that Lords ministers were disproportionately likely to serve unpaid, by separate legislation.

It is against this background that the ministerial changes of June 2026 acquire their significance. The Act raised the salaried ceilings on the Cabinet, Ministers of State and Parliamentary Secretaries; and, having taken effect on the date of Royal Assent – 29 April 2026 – it allowed the Prime Minister to draw on the additional headroom. The appointments included two further Ministers of State, four appointments at Parliamentary Secretary and Under-Secretary rank, four new whips,⁴⁵ as well as the elevation of the Lord President of the Council, Sir Alan Campbell, from attending to a full member of the Cabinet.⁴⁶

Sir Alan's elevation illustrates not only the effects of the cap but also the importance of 'membership' of the Cabinet as defined in the 1975 Act. The Lord President draws a Cabinet-rank salary under Schedule 1 only while its holder is a member of the Cabinet, so Sir Alan's

⁴¹ The "payroll vote" is conventionally taken to mean those Members who, by holding an office in or attached to the Government, are bound or expected to vote with it, whether the office is paid or unpaid. Its traditional core ministers together with their Parliamentary Private Secretaries (PPS). A PPS is not a member of the Government, and the office is unpaid, yet under the Ministerial Code a PPS is expected to support the Government in divisions, see Ministerial Code (Cabinet Office, 2025) paras 6.7 and 6.9. The wider payroll vote adds non-ministerial appointees such as unsalaried trade envoys whose loyalty is assumed rather than formally required. None of these posts is limited in number, so the bloc may grow without affecting the statutory ceiling on paid ministers and on Commons Members holding ministerial office. See Public Administration Select Committee, *Too Many Ministers?* (n 38); Institute for Government, 'Payroll Vote' (Institute for Government) <<https://www.instituteforgovernment.org.uk/explainer/payroll-vote>> accessed 3 July 2026.

⁴² Ministerial Salaries (Amendment) Act 2026, s 1, amending the 1975 Act (n 1), Sch 1, Pt 5, para 2.

⁴³ House of Lords Library (n 19).

⁴⁴ House of Lords (Hereditary Peers) Act 2026 (c 12); on the amendment moved by Lord True, HL Library (n 19).

⁴⁵ Prime Minister's Office (n 4). The same day brought two Ministers of State, three Parliamentary Under-Secretaries of State and one Parliamentary Secretary, and four Government Whips, besides the Lord President's admission to the Cabinet.

⁴⁶ Cabinet Office, *List of Ministerial Responsibilities* (June 2026); the operative record is the relevant notification in the *London Gazette*.

elevation is the event that paragraph 1(2) requires to be gazetted and treats as conclusive. This has the effect of converting the office, in salary terms, from a Minister of State post into one of the Cabinet-rank salaries. Immediately before his elevation the number of salaried Cabinet-rank ministers was twenty-one, the previous statutory maximum.⁴⁷ The 2026 Act raised the maximum to twenty-two, with Sir Alan's appointment taking the membership count to that new limit. What these appointments demonstrate is that the enlarged ceilings were not headroom held in reserve but capacity the Prime Minister spent at the first opportunity.

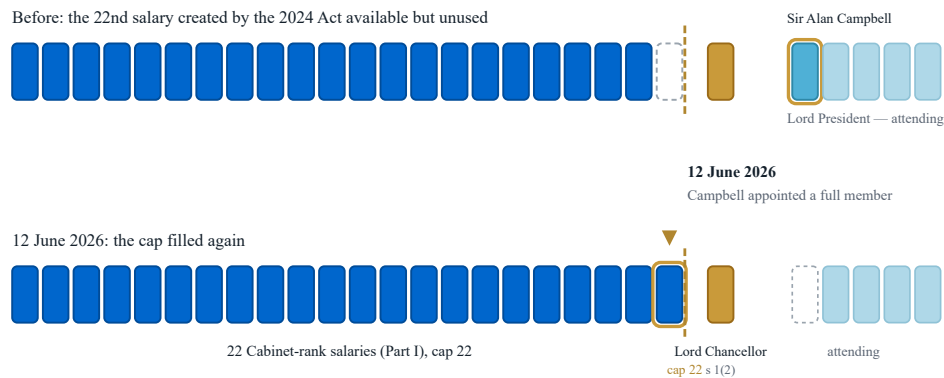


Figure 4: filling the cap

Fixing the symptom or the cause?

The 2026 settlement is both less and more than it seems. Less, in that it fails to address the root causes of the existence of unpaid ministers to begin with. More, insofar as it exemplifies an approach to constitutional reform which reaches well beyond ministerial pay.

The 1975 Act's numerical limits function as a soft constraint on the power of the Prime Minister to appoint however many ministers they wish. A genuine limit would discipline the conduct it governs, rather than a ceiling that has been seen as provisional, to be revised when it becomes inconvenient. This, of course, is the nature of all statutory constraints on governments with Parliamentary majorities.

The Public Administration Select Committee's suggestion that the 1975 Act be read as a strict limit assumed that the figure of 109 carried some normative weight.⁴⁸ The 2026 Act illustrates that this is not the case. When previously accepted practice and the statutory limit diverged, the Government's solution was simply to raise that limit. At the core of this disjinder is that the power to create ministers and the power to pay them are separately regulated.

The creation of Ministers of the Crown stems from the Royal Prerogative, while ministerial salaries are a creature of statute. Thus, the salary cap has not served to constrain the number of ministers, as we have seen. A Prime Minister who wants more ministers than 120 will appoint them unpaid, or seat them at the Cabinet table as attenders, exactly as governments did when the ceiling was 109. Thus, the 2026 Act buys a few years of tidier bookkeeping, and not a permanent fix.

A further question which has been kicked down the road is the appropriate size of the executive relative to the legislature. The 2026 Act raised the cap on paid ministers and the cap on Cabinet-rank salaries but left untouched the separate limit of ninety-five on the number of ministers who may sit and vote in the Commons. Arguably, the time to address this question has never been better, as the size of the House of Commons – against which that limit is measured – is now fixed. The ninety-five figure dates from 1975, when the Commons had 635 members. The figure was

⁴⁷ The Deputy Prime Minister at time of writing holds the office of Lord Chancellor, which is paid separately, and therefore falls outside the limit.

⁴⁸ Public Administration Select Committee, *Too Many Ministers?* (n 38) para 19; and, for the 109 figure, para 6.

an absolute one, though Brazier argues that it was intended to strike a balance between the size of the Government and the total membership of the House.⁴⁹ For most of the fifty years following the 1975 Act that balance was disturbed only by the House drifting larger as a consequence of boundary reviews – reaching a peak of 659 by 1997, which made ninety-five a smaller share. Since 2020 membership of the House of Commons has been fixed at 650.⁵⁰ Against a fixed denominator it becomes possible to calibrate the relationship with some care. If the intended policy is, indeed, to limit the size of the executive at fifteen per cent of the membership of the House, this Act was the perfect opportunity to do so. Fifteen per cent arguably makes a lot of sense. Assuming that Governments will have a parliamentary majority, or something close to it, fifteen per cent amounts to less than a third of the government's MPs.

Instead, the 2026 Act adjusted the cap on Cabinet membership, as well as the overall limit on the number of salaried ministers, while ignoring the number of MPs who may be appointed as ministers. The consequence is that these statutory limits now sit at figures chosen in different decades for different Houses.

The fundamental issue is not that the cap on the number of ministers is too soft, but rather that there is no cap on ministers at all – a Prime Minister could appoint a thousand if they so wished. Statute regulates only what they are paid, how many of them are paid, and where they may sit.

A more robust solution would be to place the creation of Ministers of the Crown on a statutory footing and remove it from the purview of the prerogative. If the question 'who is a minister' was a consequence of holding a salaried ministerial office provided for by statute, the existing ceiling on salaries would become redundant. Unpaid ministers, attenders paid at a junior rank, or the next quiet enlargement of the Government would all become impossible without primary legislation.

Such a reform would likely satisfy the recommendations of the Public Administration Select Committee, discussed above. Arguably this proposal provides a more robust solution than the committee asked for, by providing a legal mechanism rather than hoped-for restraint.⁵¹ Furthermore, at least some parts of the UK's constitutional architecture already legislate for this kind of limit. The Government of Wales Act 2006 caps the number of Welsh Ministers directly, in primary legislation, at seventeen; Northern Ireland likewise works to a statutory ceiling on the number of its Ministerial offices. Scotland, by contrast, imposes no numerical limit of its own.⁵²

⁴⁹ Brazier (n 8) 37 reads the ninety-five limits as striking a balance between the number of ministers in the Commons and the total membership of the House.

⁵⁰ House of Commons Disqualification Act 1975. On the size of the House, House of Commons Library, *Number of Seats in the House of Commons since 1801* (SN02384) <<https://commonslibrary.parliament.uk/research-briefings/sn02384/>> accessed 3 July 2026: 635 in 1975, rising to 659 by 1997. The number is now fixed at 650 by the Parliamentary Voting System and Constituencies Act 2011, as amended by the Parliamentary Constituencies Act 2020.

⁵¹ Public Administration Select Committee, *Smaller Government* (n 39).

⁵² Government of Wales Act 2006, s 51, as amended by the Senedd Cymru (Members and Elections) Act 2024, s 5 (in force 8 May 2026): the number of Welsh Ministers and Deputy Welsh Ministers is capped at seventeen (raised from twelve), the First Minister and the Counsel General falling outside the cap. For Northern Ireland, see the Northern Ireland Act 1998, s 17(4) (Ministerial offices 'shall not exceed 10 or such greater number as the Secretary of State may by order provide'). Scotland imposes no equivalent numerical limit: the Scotland Act 1998 provides for the appointment of Scottish Ministers (s 47) and junior Scottish Ministers (s 49) without capping their number.

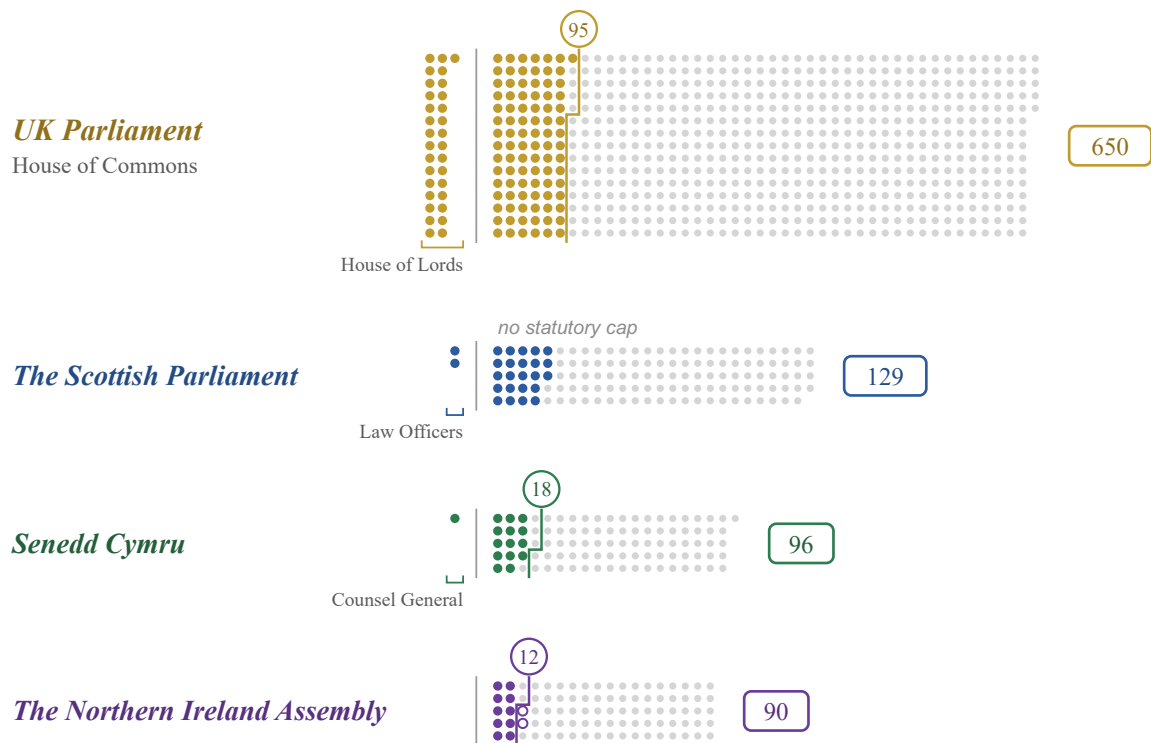


Figure 5: Ministerial salary caps in UK administrations

The fact that Parliament has seen fit to include such caps on ministers in some of the devolved legislatures, but accepts only soft, easily circumventable limits on the numbers of UK Government ministers leaves MPs open to charges of hypocrisy.

Placing the creation of Ministers of the Crown on a statutory basis would carry significant constitutional weight, by constraining a power of creation that is at present an open prerogative. While there is also a compelling case for regulating the *appointment* of ministers, and not just their creation – perhaps through parliamentary approval – such an argument is beyond the scope of this article. The objection that a statutory structure would deprive prime ministers of valued flexibility is not sustainable when that flexibility is the problem to begin with.

The 2026 Act reflects the present (but outgoing) Government’s broader approach to constitutional reform which is to address the symptoms of constitutional defects rather than their causes. For example, the Government’s reform of the House of Lords, enacted in the same months as reforms to ministerial salaries, took a similar approach. The House of Lords (Hereditary Peers) Act 2026 removed the remaining hereditary peers, which some scholars called the lowest-hanging fruit of Lords reform.⁵³ These Lords’ reforms abolished a prominent anomaly while leaving untouched the features the Government’s own manifesto had named as the real problems: an appointments process widely criticised as unprincipled; the patronage by which peers are created; and the size of the chamber.⁵⁴ A further example of this can be seen in the Government’s continued commitment to a mandatory retirement age for peers. Such a limit reduces the size of the House by removing the older members, rather than by constraining the power to fill it. The absurdity of such a solution would see a life peer created in her twenties – such as Baroness Owen

⁵³ Simon Karsunke, ‘What Comes Next? The Way Forward on UK House of Lords Reform’ (UK Constitutional Law Association Blog, 5 May 2026) <<https://ukconstitutionallaw.org/2026/05/05/simon-karsunke-what-comes-next-the-way-forward-on-uk-house-of-lords-reform/>> accessed 28 June 2026, describing the removal of the hereditary peers as the lowest-hanging fruit of Lords reform.

⁵⁴ House of Lords (Hereditary Peers) Act 2026 (n 45). On the appointments process and the size of the House as the problems the manifesto itself identified, Labour Party, *Change: Labour Party Manifesto 2024* (2024) 108.

of Alderley Edge – potentially serve for over fifty years, while Baroness Beckett and Lord Clarke of Nottingham, both relatively new peers, would be required to retire.⁵⁵

Reform of the regulation of ministerial salaries and House of Lords reform are not merely analogous. Indeed, the 2026 Act is a direct consequence of the House of Lords reform agenda. Both Acts adopt a similar approach insofar as they address the more visible problems rather than the discretionary power that produced them. Both reforms are symptomatic rather than structural and notably avoid affecting either the Crown's prerogative to create both ministers and peers.

None of this is to say that incremental reform is the wrong approach. Reform of the House of Lords has proved famously difficult for governments spanning more than a century. A government bill on the Lord's reform reaches the statute book only about once a generation,⁵⁶ and ending the hereditary principle after a century of trying is no small achievement. The Labour Party's manifesto does promise a second stage,⁵⁷ so it would be unfair to argue that nothing has been done. The criticism offered by this article is that each reform corrects the visible symptoms of these problems while leaving the underlying constitutional mechanism that produces it unchanged. The consequence is that the underlying problem is deferred, rather than resolved. This thesis will be proved the first time a future Prime Minister wants to appoint 121 ministers.

Recommendations and conclusions

It is easy to dismiss the Ministerial and Other Salaries Act 1975 as a technical footnote to our constitutional architecture. Such a dismissal, however, would ignore the fundamental balance between the executive and the legislature.

The 2026 reforms addressed a small but significant complaint which has existed for at least fifteen years. These reforms, however, arguably only addressed a symptom of a problem and not its underlying cause. The United Kingdom still has no statutory framework for the creation of ministers nor a legal limit. The law only sets the pay of a fixed number of ministers, the number that may be drawn from the Commons, and the numbers at each rank. The total number of ministers remains a question for the prerogative, while who is paid is a matter of statute. Until these two issues are addressed together the gap between them will reopen as soon as a Prime Minister finds it necessary.

What such a framework should contain need not be elaborate, and it could be approached in stages of ascending ambition. A modest approach would address not the number of ministers but the ease with which the limit upon them is raised. The 2026 Act moved from 109 to 120 by a money bill certified beyond the reach of the Lords, and the structure of salaries beneath it has previously been revised by statutory instrument.⁵⁸ A limit that may be lifted whenever it begins to bind is not much of a limit at all. To require that any increase be made by primary legislation, and exposed to ordinary scrutiny in both Houses of Parliament would significantly firm-up the cap.

A more substantive reform would be to place a statutory cap on the number of ministers, rather than the number who are paid. That Parliament already imposes such caps upon administrations it has itself created makes the UK government's arrangements difficult to defend. Whatever

⁵⁵ Labour Party, Change (n 54) 108 (retirement age); on the select committee, to report by 31 July 2026, House of Commons Library, *House of Lords (Hereditary Peers) Bill: Progress of the Bill* (CBP-10219) <<https://commonslibrary.parliament.uk/research-briefings/cbp-10219/>> accessed 3 July 2026. Baroness Owen of Alderley Edge (b 1993) was created a life peer in 2023; Baroness Beckett (b 1943) in 2024; Lord Clarke of Nottingham (b 1940) in 2020.

⁵⁶ For example, the Life Peerages Act 1958, the Peerage Act 1963, the House of Lords Act 1999, the Constitutional Reform Act 2005, the House of Lords Reform Act 2014 and the House of Lords (Hereditary Peers) Act 2026 (n 45).

⁵⁷ Labour Party, Change (n 54) 108, committing a future Labour government to replace the House of Lords with 'an alternative second chamber that is more representative of the regions and nations.'

⁵⁸ The 2026 Act was certified a money bill: House of Lords Library (n 19). The salary schedule has twice been revised by secondary legislation: SI 2011/1689 (n 20) and SI 2026/592 (n 3).

figure such a cap was set at, it ought to count every minister against it. The defect identified above is that the present limit applies to salaried ministers, so that unpaid and party-funded ministers may enlarge the government without hitting the ceiling.

The 2026 Act was a tentative first step in this direction by largely ending the appointment of unpaid ministers in the Lords. A second step would see the current number imposed as a firm cap on ministers, however they are paid and whether they are paid at all.

Arguably, the approach proposed by the Public Administration Select Committee to set the size of the payroll vote at fifteen per cent of the size of the Commons⁵⁹ satisfies complaints about both the floating size of the government as well as the potential for unpaid ministers to exist. A limit expressed as a ratio tied to the number of MPs would be more consistent with the principle of balancing the size of the executive relative to the legislature. It would also have the added advantage of buoyancy, meaning that future changes in the size of the Commons would automatically adjust the permitted size of the executive.

At a more fundamental level, these issues are not about ministerial pay at all. The salary cap is a fiscal answer to a constitutional question. It governs what the Government may spend on ministers, but not how many it may create, nor how many of them may sit and vote in parliament. To treat the size of the executive as a matter of remuneration fails to address the fundamental constitutional issues of the size of the executive relative to the legislature. It also explains why the figure behaves as a ratchet rather than a ceiling. Whenever the cap on salaries becomes inconvenient Prime Ministers resort to appointing unpaid ministers. Reform which corrects the visible symptom while leaving that power intact does not resolve the difficulty but postpones it. The question worth asking is not whether 120 proves more durable than 109 (a question which will likely be answered in the negative by a future Prime Minister), but whether Parliament will ever choose to limit the creation of ministers, rather than their cost. Until it does, each new ceiling is merely the next one waiting to be raised.

⁵⁹ Public Administration Select Committee, *Too Many Ministers?* (n 38), proposing that the payroll vote be limited to fifteen per cent of the House. On the abandonment of the reduction to 600 and the restoration of the 650-seat House, (n 40).