CHAPTER 38.

A.D. 1937.

An Act to regulate the salaries payable in respect of certain Administrative Offices of State; to provide for the payment of additional salaries to members of the Cabinet holding offices at salaries less than five thousand pounds a year, of a salary to any person being Prime Minister, of pensions to persons who have been Prime Minister, and of a salary to any person being Leader of the Opposition; to simplify the law as to the capacity of persons holding offices of profit to sit and vote in Parliament; and for purposes connected with the matters aforesaid. [1st July 1937.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

SALARIES AND PENSION.

Salaries payable in respect of certain Administrative Offices of State.

1.—(1) The annual salaries payable—

(*a*) to each of the Ministers of the Crown named in Part I of the First Schedule to this Act, shall, subject to the provisions of this Act as to number, be five thousand pounds;

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PART I. —*cont.*

(*b*) to each of the Ministers of the Crown named in Part II of the said Schedule, shall be three thousand pounds;

(*c*) to the Minister of the Crown named in Part III of the said Schedule, shall be two thousand pounds.

(2) Subject to the provisions of this Act as to number, the annual salaries payable to the Parliamentary Under-Secretaries to the Departments of State shall—

(*a*) in the case of the Parliamentary Secretary to the Treasury, be three thousand pounds, and in the case of the Financial Secretary to the Treasury, be two thousand pounds;

(*b*) in the case of the Secretary for Mines and of the Secretary of the Department of Overseas Trade, be two thousand pounds each;

(*c*) in the case of each of the Parliamentary Under-Secretaries to the Departments of State specified in the Second Schedule to this Act, other than the Parliamentary Secretaries mentioned in the last foregoing paragraph, be fifteen hundred pounds;

(*d*) in the case of the Assistant Postmaster-General, be twelve hundred pounds:

Provided that, if and so long as there are two Parliamentary Under-Secretaries to the Foreign Office, to the Admiralty, or to the War Office, the annual salary payable to each of the two Parliamentary Under-Secretaries may be of such amount as may be determined by the Treasury, but so that the aggregate of the annual salaries payable to both of them does not exceed three thousand pounds.

(3) Subject to the provisions of this Act as to number, the annual salaries payable to each of the Junior Lords of the Treasury shall be one thousand pounds.

Number of persons to whom salaries may be paid under Act as holders of certain offices.

2.—(1) The number of persons holding office as Secretary of State to whom salaries may be paid under this Act shall not exceed eight.

(2) The number of Parliamentary Under-Secretaries to the Departments of State to whom salaries may be paid under this Act shall—

(*a*) in the case of the Treasury, not exceed two;

(*b*) in the case of the Board of Trade, not exceed three, including the Secretary for Mines and the Secretary of the Department of Overseas Trade;

(*c*) in the case of the Foreign Office, of the War Office, and of the Admiralty, not exceed two;

(*d*) in the case of any other Department of State mentioned in the Second Schedule to this Act, and in the case of the Post Office, not exceed one.

(3) The number of the Junior Lords of the Treasury to whom salaries may be paid under this Act shall not exceed five.

Additional salaries to Cabinet Ministers, who hold offices at salaries less than five thousand a year.

3.—(1) If and so long as any Minister of the Crown to whom this section applies is a member of the Cabinet, there shall be paid to him an additional salary of such amount as together with the salary payable to him in respect of the office held by him will amount to five thousand pounds a year.

(2) The date upon which any Minister of the Crown to whom this section applies becomes or ceases to be a member of the Cabinet shall be published in the London Gazette, and any such notification shall be conclusive evidence for the purposes of this section.

(3) This section applies to any Minister of the Crown named in Part II of the First Schedule to this Act, and to the Chancellor of the Duchy of Lancaster, if, in any case, his salary as such is less than five thousand pounds a year.

Salary of Prime Minister and First Lord of the Treasury and pensions to persons who have been Prime Minister.

4.—(1) There shall be paid to the person who is Prime Minister and First Lord of the Treasury an annual salary of ten thousand pounds.

(2) Any person who, whether before or after the passing of this Act, has been Prime Minister and has as First Lord of the Treasury taken the official oath prescribed by section five of the Promissory Oaths Act, 1868, shall be entitled to a pension of two thousand pounds a year:

Provided that no pension shall be payable under this subsection to any person so long as he is in receipt of any pension under the Political Offices Pension Act, 1869, or

31 & 32 Vict. c. 72.
32 & 33 Vict. c. 60.

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PART I. —*cont.*

any salary payable out of moneys provided by Parliament, the revenues of the Duchy of Lancaster or the Consolidated Fund of the United Kingdom.

Salary of Leader of Opposition.

5. There shall be paid to the Leader of the Opposition an annual salary of two thousand pounds:

Provided that, if the Leader of the Opposition is in receipt of a pension payable to him under this Act, no salary shall be payable to him under this section, and if he is in receipt of a pension under the Political Offices Pension Act, 1869, the salary payable to him under this section shall be reduced by an amount equal to the amount of that pension.

Provision against duplicate salaries.

6.—(1) Subject to the provisions of this Act as to the payment of additional salaries to certain Cabinet Ministers, a person to whom any salary is payable under this Act, shall be entitled to receive only one such salary, but if he is the holder of two or more offices in respect of which a salary is so payable and there is a difference in the salaries payable in respect of those offices, the office in respect of which salary is payable to him shall be that in respect of which the highest salary is payable.

(2) No person in receipt of a salary or pension under this Act shall be entitled to receive any sum out of moneys provided by Parliament by way of salary or allowance in respect of his membership of the House of Commons.

Provision for payment of salaries and pensions.

7.—(1) The salaries payable under this Act, except that payable to the Leader of the Opposition, shall be paid out of moneys provided by Parliament.

(2) The salary payable under this Act to the Leader of the Opposition, and any pension payable under this Act to a person who has been Prime Minister and First Lord of the Treasury, shall be charged on and payable out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

Reduction of salaries by House of Commons.

8. The amount specified in this Act as being the amount of any salary payable thereunder out of moneys provided by Parliament shall be taken to be the maximum amount so payable, and accordingly, notwithstanding the provisions of this Act as to any such amount, the salary so payable in any year in respect of any office may be of a less amount than that so specified.

PART II.

CAPACITY TO SIT IN THE HOUSE OF COMMONS.

Capacity of persons to whom salaries are payable under Act to sit and vote in House of Commons.

9.—(1) Subject as hereinafter provided no person to whom a salary is payable under this Act shall by reason of his being the holder of the office or place in respect of which such a salary is payable, be rendered incapable of being elected, or of sitting and voting, as a member of the House of Commons:

Provided that—

(*a*) the number of persons entitled to sit and vote in that House while they are Ministers of the Crown named in Part I of the First Schedule to this Act shall not exceed fifteen;

(*b*) the number of persons entitled to sit and vote in that House while they are Ministers of the Crown named in Part II of the said Schedule shall not exceed three; and

(*c*) the number of persons entitled to sit and vote in that House while they are Parliamentary Under-Secretaries shall not exceed twenty.

(2) If at any time the number of persons who are members of the House of Commons while they are Ministers of the Crown named in Part I or in Part II of the First Schedule to this Act, or while they are Parliamentary Under-Secretaries, exceeds the number respectively entitled under this section to sit and vote in that House, the election of those members shall not be invalidated by reason of the excess, but of the number none except any who held his office and was a member of that House before the excess occurred, shall sit or vote therein until the number of Ministers of the Crown named in the said Part I or in the said Part II or of Parliamentary Under-Secretaries, as the case may be, who are members of the House of Commons has been reduced, by death, resignation or otherwise, to the number entitled under this section to sit and vote in that House.

(3) If any Minister of the Crown named in Part I or in Part II of the First Schedule to this Act or any Parliamentary Under-Secretary sits or votes in the

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PART II. —*cont.*

House of Commons at a time when he is not entitled to do so by virtue of this section he shall be liable to a penalty not exceeding five hundred pounds for each day on which he so sits or votes.

PART III.

SUPPLEMENTARY.

Interpretation and determination of questions.

10.—(1) In this Act unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them, that is to say :—

"Junior Lords of the Treasury" means the Lords Commissioners of the Treasury other than the First Lord and the Chancellor of the Exchequer;

"Leader of the Opposition" means that member of the House of Commons who is for the time being the Leader in that House of the party in opposition to His Majesty's Government having the greatest numerical strength in that House;

"Parliamentary Under-Secretary" means the Parliamentary Secretary and the Financial Secretary to the Treasury, any Parliamentary Under-Secretary of State, the Parliamentary and Financial Secretary to the Admiralty, the Financial Secretary of the War Office, the Civil Lord of the Admiralty, the Parliamentary Secretaries to the Departments of State specified in the Second Schedule to this Act, and the Assistant Postmaster-General; but does not include any Parliamentary Secretary to whom no salary is payable.

(2) For the purposes of this Act, the Secretary of the Department of Overseas Trade shall be deemed to be a Parliamentary Secretary to the Board of Trade, but without prejudice to the provisions of the Overseas Trade Department (Secretary) Act, 1918, relating to the method of his appointment and the functions to be discharged by him.

8 & 9 Geo. 5. c. 3.

(3) If any doubt arises as to which is or was at any material time the party in opposition to His Majesty's Government having the greatest numerical strength in the House of Commons, or as to who is or was at any

material time the leader in that House of such a party, the question shall be decided for the purposes of this Act by the Speaker of the House of Commons, and his decision, certified in writing under his hand, shall be final and conclusive.

Consequential amendments and repeals.

11.—(1) The enactments specified in the first column of the Third Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule.

(2) The enactments specified in the first column of the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title.

12. This Act may be cited as the Ministers of the Crown Act, 1937.

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SCHEDULES.

Sections 1, 3, 9.

FIRST SCHEDULE.

MINISTERS OF THE CROWN TO WHOM SALARIES ARE PAYABLE UNDER THIS ACT.

PART I.

Chancellor of the Exchequer.
Secretaries of State.
First Lord of the Admiralty.
President of the Board of Trade.
Minister of Agriculture and Fisheries.
President of the Board of Education.
Minister of Health.
Minister of Labour.
Minister of Transport.
Minister for the Co-ordination of Defence.

PART II.

Lord President of the Council.
Lord Privy Seal.
Postmaster-General.
First Commissioner of Works.

PART III.

Minister of Pensions.

SECOND SCHEDULE.

DEPARTMENTS OF STATE REFERRED TO IN PARAGRAPH (*c*) OF SUBSECTION (2) OF SECTION 1 OF THIS ACT.

Admiralty, Air Ministry, Board of Education, Board of Trade, Burma Office, Colonial Office, Dominions Office, Foreign Office, Home Office, India Office, Ministry of Agriculture and Fisheries, Ministry of Health, Ministry of Labour, Ministry of Transport, Scottish Office, War Office.

THIRD SCHEDULE.

Section 11.

CONSEQUENTIAL AMENDMENT OF ENACTMENTS.

Enactment.	Amendment.
The Board of Agriculture Act, 1889 (52 & 53 Vict. c.30).	In subsection (2) of section five, after the word "secretary" there shall be inserted the words "other than the Parliamentary Secretary".
The Board of Education Act, 1899 (62 & 63 Vict. c.33).	In subsection (2) of section six, after the word "secretaries" there shall be inserted the words "other than the Parliamentary Secretary".
The New Ministries and Secretaries Act, 1916 (6 & 7 Geo. 5. c. 68).	In subsection (2) of section ten, after the word "secretaries" there shall be inserted the words "other than the Parliamentary Secretary".
The Air Force Constitution Act, 1917 (7 & 8 Geo. 5. c. 51).	In subsection (2) of section nine, after the words "Air Council," there shall be inserted the words "other than the Secretary of State and any Parliamentary Under-Secretary of State".
The Ministry of Health Act, 1919 (9 & 10 Geo. 5. c. 21).	In subsection (2) of section six, after the word "secretaries" there shall be inserted the words "other than the Parliamentary Secretary".
The Ministry of Transport Act, 1919 (9 & 10 Geo. 5. c. 50).	In subsection (2) of section twenty-five, the word "other" shall be omitted, and after the word "secretaries" there shall be inserted the words "other than the Parliamentary Secretary".

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Section 11.

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 Will. & Mary, c. 7.	—	In section fifty-nine the words "the commissioners of the treasury and".
15 Geo. 2. c. 22.	The House of Commons Disqualification Act, 1741.	Section three.
41 Geo. 3. c. 52.	The House of Commons (Disqualifications) Act, 1801.	In section four the words "except the commissioners of the Treasury and their secretary" and the words "except the secretary of the Treasury".
56 Geo. 3. c. 98.	The Consolidated Fund Act, 1816.	Section sixteen.
2 & 3 Will. 4. c. 40.	The Admiralty Act, 1832.	In section one, the words from "Provided always" to the end of the section.
14 & 15 Vict. c. 42.	The Crown Lands Act, 1851.	In section seventeen, the words "to the First Commissioner of Works such salary not exceeding two thousand pounds per annum and"; section twenty; and in section twenty-five the words "The salaries of the First Commissioner of Works, and".
21 & 22 Vict. c. 106.	The Government of India Act, 1858.	Section four.
27 & 28 Vict. c. 34.	The House of Commons (Vacation of Seats) Act, 1864.	The whole Act.
29 & 30 Vict. c. 55.	The Post Office (Postmaster-General) Act, 1866.	The whole Act.
30 & 31 Vict. c. 72.	The Board of Trade (Parliamentary Secretary) Act, 1867.	The whole Act.
33 & 34 Vict. c. 17.	The War Office Act, 1870.	In section three the words from "and such officer" to the end of the section; and section five.

Session and Chapter.	Short Title.	Extent of Repeal.
52 & 53 Vict. c. 30.	The Board of Agriculture Act, 1889.	In subsection (2) of section five the words "to the President, if not one of the Officers of State above mentioned, nor any other Officer of State receiving a salary, the annual salary of two thousand pounds a year, and"; and subsection (1) of section eight.
62 & 63 Vict. c. 33.	The Board of Education Act, 1899.	In subsection (2) of section six the words "to the President of the Board, unless he holds another salaried office, such annual salary not exceeding two thousand pounds, and"; in subsection (1) of section eight, the words "shall not render the person holding it incapable of being elected to, or of voting in, the Commons House of Parliament, and"; and subsection (2) of that section.
9 Edw. 7. c. 14.	The Assistant Postmaster General Act, 1909.	The whole Act.
9 Edw. 7. c. 15.	The Board of Agriculture and Fisheries Act, 1909.	In subsection (1) of section one, the words "(including any provision giving power to pay salaries)"; and subsection (2) of that section.
9 Edw. 7. c. 23.	The Board of Trade Act, 1909.	The whole Act.
6 & 7 Geo. 5. c. 65.	The Ministry of Pensions Act, 1916.	In subsection (2) of section five, the words "to the Minister of Pensions such annual salary not exceeding two thousand pounds, and"; in subsection (1) of section seven, the words "shall not render the person holding it incapable of being elected to, or of voting in, the Commons House of Parliament, and".
6 & 7 Geo. 5. c. 68.	The New Ministries and Secretaries Act, 1916.	In subsection (2) of section ten, the words "to any Minister appointed under this Act an annual salary not exceeding two thousand pounds, and"; and subsection (1) of section twelve.

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4TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Geo. 5. c. 3.	The Overseas Trade Department (Secretary) Act, 1918.	Subsections (2) and (3) of section one.
9 & 10 Geo. 5. c. 2.	The Re-election of Ministers Act, 1919.	In subsection (1) of section one, the words from "nor shall it affect" to the end of the subsection.
9 & 10 Geo. 5. c. 21.	The Ministry of Health Act, 1919.	In subsection (2) of section six, the words "to the Minister an annual salary not exceeding five thousand pounds, and".
9 & 10 Geo. 5. c. 50.	The Ministry of Transport Act, 1919.	The proviso to subsection (1) of section twenty-five, and in subsection (2) of that section, the words "to the Minister an annual salary not exceeding five thousand pounds, and to the Parliamentary Secretary of the Ministry an annual salary not exceeding fifteen hundred pounds, and"; and section twenty-seven.
10 & 11 Geo. 5 c. 50.	The Mining Industry Act, 1920.	Subsection (1) of section five; and section six.
16 & 17 Geo. 5. c. 18.	The Secretaries of State Act, 1926.	Section three.
22 & 23 Geo. 5. c. 21.	The President of the Board of Trade Act, 1932.	Section one.
25 & 26 Geo. 5. c. 38.	The House of Commons Disqualification (Declaration of Law) Act, 1935.	Paragraph (*a*) of section one.

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