

Ministers of the Crown Act 1964

1964 CHAPTER 98

An Act to make provision with respect to the departments and salaries of certain Ministers; to amend the provisions of the House of Commons Disqualification Act 1957 relating to Ministerial offices; to extend existing powers to transfer functions of Ministers; and for purposes connected with the matters aforesaid.

[23rd December 1964]

BE IT ENACTED by the Queen'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:—

Administrative provisions relating to new Ministries.

1. The provisions of Schedule 1 to this Act shall apply to the Minister of Land and Natural Resources, the Minister of Overseas Development and the Minister of Technology; and references in that Schedule to the Minister and the Ministry shall be construed accordingly.

Provision for salaries of certain Ministers. 1937 c. 38.

2.—(1) There shall be paid under and subject to the provisions of the Ministers of the Crown Act 1937—

(*a*) to any Minister to whom Schedule 1 to this Act applies, an annual salary of five thousand pounds;

(*b*) to the Chief Secretary to the Treasury and to any Minister of State, an annual salary of such amount as the First Lord of the Treasury may determine, not exceeding in any case five thousand pounds;

(*c*) to any Parliamentary Under-Secretary of State to the Department of Economic Affairs or to the Welsh Office, and to any Parliamentary Secretary to the Ministry of a Minister to whom Schedule 1 to this Act applies, an annual salary of two thousand five hundred pounds;

(*d*) to any Assistant Government Whip in the House of Commons an annual salary of two thousand pounds.

1937 c. 38.

(2) So much of section 1(2)(*a*) of the Ministers of the Crown Act 1937 as provides for the salary of the Economic Secretary to the Treasury and section 1(2)(*b*) of that Act (salary of the Secretary for Overseas Trade) shall cease to have effect.

(3) The number of persons to whom salaries may be paid at any time as the holders of Ministerial offices mentioned in this subsection shall be as follows, that is to say—

(*a*) in the case of Secretaries of State, not more than nine;

(*b*) in the case of Ministers of State, not more than nineteen;

(*c*) in the case of Treasury Secretaries, not more than two;

(*d*) in the case of Parliamentary Secretaries other than Treasury secretaries, not more than thirty-six;

(*e*) in the case of Assistant Government Whips, not more than six.

1957 c. 20.

(4) In this section " Minister of State " has the same meaning as in the House of Commons Disqualification Act 1957; " Treasury Secretaries " means the Parliamentary Secretary and the Financial Secretary to the Treasury; and " Parliamentary Secretary " includes any Parliamentary Under-Secretary of State and the Assistant Postmaster General.

Numbers of holders of Ministerial offices in House of Commons.

3.—(1) There shall be included among the offices specified in Schedule 2 to the House of Commons Disqualification Act 1957 (Ministerial offices subject to the limits of numbers prescribed by section 2 of that Act) each office not already described therein in respect of which salary is payable by virtue of section 2 of this Act.

(2) So much of section 2 of the said Act of 1957 as prescribes a limit of twenty-seven upon the number of holders of Ministerial offices specified in Part I of the said Schedule 2 who may sit and vote in the House of Commons at any one time shall cease to have effect; and the limit of seventy prescribed by that section upon the number of holders of all Ministerial offices specified in that Schedule who may so sit and vote shall be raised to ninety-one.

Transfer of functions of Ministers.

1946 c. 31.

4. The powers exercisable by Order in Council under section 1 of the Ministers of the Crown (Transfer of Functions) Act 1946 (transfer of functions from one Minister of the Crown to another) shall include power to direct that functions of any Minister of the

Crown within the meaning of that Act shall be exercisable concurrently with another such Minister, or shall cease to be so exercisable; and references in that Act to the transfer of functions or to functions transferred shall be construed accordingly.

Consequential amendments and repeals. 1957 c. 20.

5.—(1) Section 2 of the House of Commons Disqualification Act 1957, and Schedule 2 to that Act, shall be amended as provided by Part I of Schedule 2 to this Act, and accordingly shall have effect as set out in Part II of that Schedule.

(2) Subsection (2) of section 5 of the House of Commons Disqualification Act 1957 (reprinting of Schedule 1 as from time to time amended) shall apply to provisions of that Act other than Schedule 1 as it applies to that Schedule.

(3) In section 13(1) of the said Act, in the definition of " Minister of State ", the words " appointed at a salary " shall be omitted, and at the end there shall be added the words " or any office in respect of which a salary is payable out of moneys provided by Parliament under section 2 of the Ministerial Salaries Act 1946 ". 1946 c. 55.

(4) The enactments described in Schedule 3 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

Interpretation and short title.

6.—(1) Any reference in this Act to any enactment is a reference thereto as amended by or under any other enactment including this Act.

(2) This Act may be cited as the Ministers of the Crown Act 1964.

SCHEDULES

Section 1.

SCHEDULE 1

PROVISIONS AS TO NEW MINISTERS AND THEIR DEPARTMENTS

1868 c. 72.

1. The Minister shall take the oath of allegiance, and the official oath, and the Promissory Oaths Act 1868 shall have effect as if the name of the Minister were included in Part I of the Schedule to that Act.

2. The Minister may appoint such secretaries, officers and servants as he may with the consent of the Treasury determine.

3. There shall be paid to the secretaries (other than any Parliamentary Secretary), officers and servants appointed by the Minister such salaries or remuneration as the Treasury may determine.

4. The expenses of the Minister, including any salaries or remuneration payable under paragraph 3 of this Schedule, shall be defrayed out of moneys provided by Parliament.

5. The Minister shall for all purposes be a corporation sole, and shall have an official seal, which shall be authenticated by the signature of the Minister or of a secretary to the Ministry or of any person authorised by the Minister to act in that behalf.

6. The seal of the Minister shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Minister and to be sealed with the seal of the Minister authenticated in the manner provided by paragraph 5 of this Schedule or to be signed or executed by a secretary to the Ministry or any person authorised as aforesaid, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

7. A certificate signed by the Minister that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of that fact.

1868 c. 37.

8. The Documentary Evidence Act 1868 shall apply to the Minister as if his name were included in the first column of the Schedule to that Act, and as if he or a secretary to the Ministry or any person authorised by him to act on his behalf were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Minister.

Section 5.

SCHEDULE 2

THE HOUSE OF COMMONS DISQUALIFICATION ACT 1957

PART I

CONSEQUENTIAL AMENDMENTS

In section 2, in subsection (1), for the words " the following numbers of " there shall be substituted the words " ninety-one " and the words from " that is to say " to the end shall be omitted; and in subsection (2), the words " or of Ministerial offices of any class ", the words " or of Ministerial offices of the relevant class, as the case may be " and the word " greatest " in both places where that word occurs, shall be omitted.

In Schedule 2, the words " PART I OFFICES WITHIN SECTION 2(1)(*b*) " and the words " PART II OTHER OFFICES " shall be omitted; after the entry " Minister of Public Building and Works " there shall be inserted the following entries— SCH. 2

" Minister of Land and Natural Resources;

Minister of Overseas Development;

Minister of Technology ";

after the entry " Minister of State " there shall be inserted the entry " Chief Secretary to the Treasury; " the entry relating to the Economic Secretary to the Treasury and the entry relating to the Secretary for Overseas Trade shall be omitted; after the entry " Parliamentary Secretary to the Ministry of Public Building and Works " there shall be inserted the following entries—

" Parliamentary Secretary to the Ministry of Land and Natural Resources;

Parliamentary Secretary to the Ministry of Overseas Development;

Parliamentary Secretary to the Ministry of Technology ";

and at the end there shall be inserted the entry " Assistant Government Whip ".

PART II

SECTION 2 AND SCHEDULE 2 AS AMENDED

Section 2

Ministerial offices.

2.—(1) Not more than ninety-one persons being the holders of offices specified in the Second Schedule to this Act (in this section referred to as Ministerial offices) shall be entitled to sit and vote in the House of Commons at any one time.

(2) If at any time the number of members of the House of Commons who are holders of Ministerial offices exceeds the number entitled to sit and vote in that House under the foregoing provisions of this section, none except any who were both members of that House and holders of Ministerial offices before the excess occurred shall sit or vote therein until the number has been reduced, by death, resignation or otherwise, to the number entitled to sit and vote as aforesaid.

1946 c. 31.

(3) In paragraph (*d*) of subsection (3) of section one of the Ministers of the Crown (Transfer of Functions) Act 1946 (which enables an Order in Council under that section to make consequential modifications of enactments described in that paragraph) the reference to enactments regulating the number of office holders who may be elected, and sit and vote, as members of the House of Commons shall be construed as a reference to this section and the Second Schedule to this Act; and the reference in section two of that Act to such enactments as are mentioned in the said paragraph (*d*) shall be construed accordingly.

(4) A person holding a Ministerial office is not disqualified by this Act by reason of any office held by him ex officio as the holder of that Ministerial office.

SCH. 2 *Schedule 2*

MINISTERIAL OFFICES

Prime Minister and First Lord of the Treasury.
Lord President of the Council.
Lord Privy Seal.
Chancellor of the Duchy of Lancaster.
Paymaster General.

Secretary of State.
Chancellor of the Exchequer.
Minister of Agriculture, Fisheries and Food.
Minister of Health.
Minister of Housing and Local Government.
Minister of Labour.
Minister of Pensions and National Insurance.
Postmaster General.
Minister of Power.
Minister of Aviation.
President of the Board of Trade.
Minister of Transport.
Minister of Public Building and Works.
Minister of Land and Natural Resources.
Minister of Overseas Development.
Minister of Technology.

Minister of State.
Chief Secretary to the Treasury.

Attorney General.
Lord Advocate.
Solicitor General.
Solicitor General for Scotland.

Parliamentary Secretary to the Treasury.
Financial Secretary to the Treasury.
Parliamentary Under Secretary of State.
Parliamentary Secretary to the Ministry of Agriculture, Fisheries and Food.
Parliamentary Secretary to the Ministry of Health.
Parliamentary Secretary to the Ministry of Housing and Local Government.
Parliamentary Secretary to the Ministry of Labour.
Parliamentary Secretary to the Ministry of Pensions and National Insurance.

SCH. 2

Assistant Postmaster General.
Parliamentary Secretary to the Ministry of Power.
Parliamentary Secretary to the Ministry of Aviation.
Parliamentary Secretary to the Board of Trade.
Parliamentary Secretary to the Ministry of Transport.
Parliamentary Secretary to the Ministry of Public Building and Works.
Parliamentary Secretary to the Ministry of Land and Natural Resources.
Parliamentary Secretary to the Ministry of Overseas Development.
Parliamentary Secretary to the Ministry of Technology.
Secretary for Technical Co-operation.

Junior Lord of the Treasury.
Treasurer of Her Majesty's Household.
Comptroller of Her Majesty's Household.
Vice-Chamberlain of Her Majesty's Household.
Assistant Government Whip.

SCHEDULE 3

Section 5.

ENACTMENTS REPEALED

Chapter	Short title	Extent of Repeal
1 Edw. 8 & 1 Geo. 6. c. 38.	The Ministers of the Crown Act 1937.	In section 1(2)(*a*), the words " and the Economic Secretary ". Section 2(1) and (2). In section 10(1), the words " the Economic Secretary to the Treasury and "
11 & 12 Geo. 6. c. 5.	The Ministers of the Crown (Treasury Secretaries) Act 1947.	The whole Act.
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In section 5(2), the words " the First Schedule to ", the word " in " (in the second place where that word occurs), and the words " the said Schedule ".
5 & 6 Eliz. 2. c. 47.	The Ministerial Salaries Act 1957.	In section 1(2), the words " and the Economic Secretary " and the words " in each case ".
9 & 10 Eliz. 2. c. 6.	The Ministers of the Crown (Parliamentary Secretaries) Act 1960.	Section 1 and so much of Schedule 1 as amends the Ministers of the Crown Act 1937.