

Draft Order in Council laid before Parliament under section 1B of the Ministerial and other Salaries Act 1975, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No.

PARLIAMENT

The Ministerial and other Salaries
Act 1975 (Amendment) Order 2011

Made - - - - - ***
Coming into force - - - - - ***

At the Court at Buckingham Palace, the *** day *** of ***
Present,
The Queen's Most Excellent Majesty in Council

In accordance with section 1B of the Ministerial and other Salaries Act 1975(1), a draft of this Order was laid before and approved by a resolution of each House of Parliament.

Accordingly, Her Majesty, in pursuance of section 1B of the Ministerial and other Salaries Act 1975, is pleased, by and with the advice of Her Privy Council, to make the following Order:-

Citation and commencement

1. This Order may be cited as the Ministerial and other Salaries Act 1975 (Amendment) Order 2011 and comes into force on the day after the day on which it is made.

Amendment of the Ministerial and other Salaries Act 1975

2. The Ministerial and other Salaries Act 1975 is amended in accordance with articles 3 to 7 of this Order.

Speakers' salaries

3. In section 1—

(1) 1975 c.27; section 1B was inserted by section 1(2) of the Ministerial and other Salaries Act 1997 (c.62).

- (a) in subsection (3)(2), for the annual amount specified as the salary of the Speaker of the House of Commons, substitute £75,766; and
- (b) in subsection (3A)(3), for the annual amount specified as the salary of the Speaker of the House of Lords, substitute £101,038.

Alteration of salaries

4. In section 1A(4)—

- (a) in subsection (1) for the words from “year” to “minimum annual amount,” substitute “relevant period, the annual amount”;
- (b) after subsection (1) insert—
 - “(1A) “Relevant period” means—
 - (a) the period beginning with the day after the day on which the relevant Parliament is dissolved and ending with the following 31st March (“the first relevant period”), and
 - (b) each successive period of 12 months.
 - (1B) The “relevant Parliament” means the Parliament in which subsection (1A) comes into force.”;
- (c) in subsection (2) for “year” substitute “period”; and
- (d) after subsection (2) insert—
 - “(2A) If the first relevant period does not begin on 1st April, in relation to that period the reference in subsection (2) to 1st April of the period concerned is to be read as a reference to 1st April before the beginning of the first relevant period.”

Ministerial salaries

- 5. For Parts I to IV of Schedule 1(5), substitute the provisions in Schedule 1 to this Order.**
- 6. In paragraph 1 of Part V of Schedule 1—**
 - (a) in sub-paragraph (1)(6) omit the words from the first “or” to the end; and
 - (b) after sub-paragraph (2) insert—
 - “(3) For the purposes of this Schedule a person is a member of the House of Commons for the period beginning with the day after the day of the poll for the parliamentary election at which the person is elected, and ending with—
 - (a) if the person is a member immediately before Parliament is dissolved, the day of the poll for the parliamentary general election which follows the dissolution;
 - (b) otherwise, the day on which the person ceases to be a member.”

Opposition Leaders’ and Whips’ salaries

- 7. For Part I of Schedule 2 (7), substitute the provisions in Schedule 2 to this Order.**

(2) Subsection (3) was amended by [S.I. 1996/1913](#).
 (3) Subsection (3A) was inserted by [S.I. 2006/1640](#).
 (4) Section 1A was inserted by section 1(2) of the Ministerial and other Salaries Act 1997 (c.62).
 (5) Part I of Schedule 1 was amended by [S.I. 1996/1913](#), [2001/3502](#), [2002/794](#). Part II was amended by [S.I. 1996/1913](#), [1999/2037](#), [2001/3502](#). Part III was amended by sections 48(6) and 87(1) of the Scotland Act 1998 (c.46) and [S.I. 1996/1913](#), [1997/1500](#), [1999/1820](#), [2001/3502](#). Part IV was amended by [S.I. 1996/1913](#), [2001/3502](#).
 (6) Paragraph 1(1) was amended by section 2(2) of the Ministerial and other Salaries Act 1997 (c.62).
 (7) Part I was amended by [S.I. 1996/1913](#), [2001/3502](#).

Name
Clerk of the Privy Council

SCHEDULE 1

Article 5

Ministerial Salaries

“PART I

<i>Office</i>	<i>Salary</i>	
	£	
Prime Minister and First Lord of the Treasury	76,762	
Chancellor of the Exchequer	68,827	
	<i>Salary if the holder is a member of the House of Commons</i>	<i>Salary if the holder is not a member of the House of Commons</i>
	£	£
Secretary of State Any of the following offices for so long as the holder is a member of the Cabinet— (a) Lord President of the Council (b) Lord Privy Seal (c) Chancellor of the Duchy of Lancaster (d) Paymaster General (e) Chief Secretary to the Treasury (f) Parliamentary Secretary to the Treasury (g) Minister of State	68,827	101,038

PART II

<i>Office</i>	<i>Salary if the holder is a member of the House of Commons</i>	<i>Salary if the holder is not a member of the House of Commons</i>
	£	£
1. Any of the offices listed at (a) to (g) of Part I above for so long as the holder is not a member of the Cabinet		
2. Minister in charge of a public department of Her Majesty's Government in the United Kingdom who is not a member of the Cabinet, and who is not eligible for a salary under any other provision of this Act	33,002	78,891
3. Financial Secretary to the Treasury		

PART III

<i>Office</i>	<i>Salary if the holder is a member of the House of Commons</i>	<i>Salary if the holder is not a member of the House of Commons</i>
	£	£
Attorney General	95,772	105,699
Solicitor General	59,248	91,755
Advocate General for Scotland	59,248	91,755

PART IV

<i>Office</i>	<i>Salary if the holder is a member of the House of Commons</i>	<i>Salary if the holder is not a member of the House of Commons</i>
	£	£
Parliamentary Secretary other than Parliamentary Secretary to the Treasury	23,697	68,710

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Ministerial and other Salaries Act 1975 (Amendment) Order 2011 No. 1689

<i>Office</i>	<i>Salary if the holder is a member of the House of Commons</i>	<i>Salary if the holder is not a member of the House of Commons</i>
	£	£
Treasurer of Her Majesty's Household	33,002	
Comptroller of Her Majesty's Household	19,239	
Vice-Chamberlain of Her Majesty's Household		
Junior Lord of the Treasury		
Assistant Whip, House of Commons		
Captain of the Honourable Corps of Gentlemen-at-Arms		78,891
Captain of the Queen's Bodyguard of the Yeoman of the Guard		68,710
Lord in Waiting		63,537"

SCHEDULE 2

Article 7

Opposition Leaders' and Whips' salaries

“PART I

<i>Position</i>	<i>Salary</i>
	£
In the House of Commons— Leader of the Opposition	63,098
Chief Opposition Whip	33,002
Assistant Opposition Whips	19,239
In the House of Lords— Leader of the Opposition	68,710
Chief Opposition Whip	63,537"

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for changes in the salaries payable under section 1(1), (3) and (3A) of the Ministerial and other Salaries Act 1975 (“the 1975 Act”). The salaries covered by section 1(1), (3) and (3A) are those of Ministers, Opposition Leaders and Whips and the Commons and Lords Speakers.

Article 3 specifies the new salaries for the Commons and Lords Speakers.

Article 4 amends section 1A of the 1975 Act so that increases payable by virtue of the uprating formula in that section are not payable for the lifetime of this Parliament.

Article 5 provides for Schedule 1 to this Order to replace Parts I to IV of Schedule 1 to the 1975 Act. The replacement provisions set out the new salaries to be paid to Ministers in Schedule 1 to the 1975 Act.

Article 6(a) makes a consequential amendment to the 1975 Act. Article 6(b) amends the 1975 Act to provide that, for the purposes of Schedule 1, a person is a member of the House of Commons for the period beginning with the day after the day of the poll for the parliamentary election at which the person is elected and until the next election, if the person was a member immediately before a dissolution, or until they otherwise cease to be a member.

Article 7 provides for Schedule 2 to this Order to replace Part I of Schedule 2 to the 1975 Act. The replacement provisions set out the new salaries to be paid to Opposition Leaders and Whips.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.