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## Factsheet P11 Procedure Series

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# The Chiltern Hundreds

### Contents

Resignation of Members of Parliament	2
<i>Current procedure</i>	3
Historical background	3
<i>Offices of profit</i>	3
<i>The Chiltern Hundreds</i>	4
<i>Manor of Northstead</i>	4
Appendix A	5
<i>Map of the Chiltern Hundreds</i>	5
Appendix B	6
<i>Appointments to the Chiltern Hundreds     and Manor of Northstead Stewardships     since 1970</i>	6
Contact information	7
Feedback form	8

Under a Resolution of the House of 2 March 1624, Members of Parliament cannot directly resign their seat. Death, disqualification and expulsion are the only means by which a Member's seat may be vacated during the lifetime of a Parliament. Therefore a Member wishing to resign has to go through the process of applying for a paid office of the Crown, which automatically disqualifies the Member from holding a seat in the House of Commons. There are two such offices: Crown Steward and Bailiff of the Chiltern Hundreds and of the Manor of Northstead. This Factsheet provides further background information and lists all those who have taken such offices since 1970.

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## Resignation of Members of Parliament<sup>1</sup>

A resolution passed by the House on 2 March 1624<sup>2</sup> prohibits MPs from resigning their seats. It states simply "...that a man, after he is duly chosen, cannot relinquish." Prior to that date resignation was in theory not permitted although the subject was discussed on numerous occasions. Requests from Members, or their constituencies, to be discharged from service were commonly ignored or rejected. However, the House did sometimes order a by-election if it was believed that a Member was terminally ill or too infirm to attend. Five men were permitted to resign on ill-health grounds between 1604 and 1629, most of them in 1610. The absence of Members abroad on royal business was often presented as a reason for resignation but almost never admitted, with the exception of service in various posts in Ireland.

To put the above in perspective, it should be remembered that in those days serving in Parliament was often regarded as an obligation to be accepted only reluctantly rather than an honour to be eagerly sought. Voluntary relinquishment of a seat was not, therefore, something to be encouraged. It was also the case that, before the sixteenth century, it was very rare for a parliament to sit for longer than a few weeks so that a procedure for resignation was hardly necessary.

One way in which a Member might be able to vacate his seat was by accepting a paid office of the Crown. This was because it was assumed that a Member receiving a salary from the Crown could not be expected to scrutinise the actions of the Crown or the Crown's government. A resolution of 30 December 1680 was worded as follows:

Resolved, Nemine contradicente, That no Member of this House shall accept of any Office, or Place of Profit, from the Crown, without the Leave of this House, or any Promise of any such Office, or Place of Profit, during such time as he shall continue a Member of this House.

Resolved, That all Offenders herein shall be expelled this House.

Legislation was passed during subsequent decades which prohibited the holding of a parliamentary seat and certain offices at the same time. This legislation did not prevent MPs from holding various crown stewardships during the first half of the eighteenth-century. However, in 1740, Sir Watkins Williams Wynn asked the House to decide whether he had vacated his seat by inheriting the stewardship of the lordship and manor of Bromfield and Yale from his father. The House decided that, by accepting the appointment (together with the annual salary which went with it), he had *ipso facto* vacated his seat. A select committee report of 1894 states the following:

It may possibly have been the attention called to Sir W. W. Wynn's case, together with the repeated enquiries into the number of "Place men" in the House, resulting in the passing of the Place Act of 1742, that first originated the idea of utilising the appointment to certain Crown stewardships for the sole purpose of enabling Members to vacate their seats.<sup>3</sup>

The many offices of profit under the Crown included a number of crown stewardships. However, just two of these stewardships are now used for resignation purposes. They are

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1 We are indebted to the History of Parliament Trust for providing much of the information in this section.

2 This resolution appears in the Commons Journals dated 2 March 1623. However, the practice in the seventeenth-century was to take the start of the year as 25 March rather than 1 January.

3 Select Committee to Inquire into Issue of Writ for Attercliffe Division, and Law and Practice in reference to Vacating of Seats in the House of Commons, HC 278 1894, Appendix (p56)

the Crown Steward and Bailiff of the three Chiltern Hundreds of Stoke, Desborough and Burnham, and of the Manor of Northstead. These offices have been retained as nominal offices of profit solely to meet the requirements of the *House of Commons Disqualification Act 1975*.

Until 1919 Ministers, on their acceptance of office, were disqualified from sitting, and had to submit to an election. The *Re-election of Ministers Act 1919* made re-election unnecessary within nine months of a general election and the principle was finally abolished in an amending Act of 1926. Acceptance of certain paid offices (e.g. a judge) still disqualifies a Member. The last Member to give up his seat from appointment to an actual paid office was Sir Thomas Williams, appointed a circuit judge on 1 June 1981. Details of paid Crown offices that disqualify people from sitting in the Commons can be found in Schedule 1 of the *House of Commons Disqualification Act 1975*.

### **Current procedure**

A Member wishing to resign applies to the Chancellor of the Exchequer for one of the offices, which he or she retains until the Chancellor appoints another applicant or until the holder applies for release from it. (Every new warrant issued revokes the previous holder). It is usual to grant the offices alternately; as this enables two Members to retire at precisely the same time. Indeed, on 17 December 1985, fifteen Ulster Unionist MPs resigned on the same day.

Upon receipt of a Member's application for the Chiltern Hundreds, a warrant of appointment is signed (in the presence of a witness) by the Chancellor of the Exchequer. Since 1850, these have been registered and retained in the Treasury. On the day the warrant is signed a letter is sent to the Member, omitting the letters MP after his name, to inform him that he has been appointed to the office. Letters of notification are also sent at the same time to the offices of the Speaker and the Government and opposition whips. As soon as practical, the appointment is noted in the London Gazette. It is also the practice for the Treasury to issue a brief press notice. The disqualification of a Member because of his new office is recorded in Votes and Proceedings although there are no proceedings in the house and it is not recorded in the Official Report.

If a Stewardship is granted during a recess, the new writ for a by-election cannot be issued until the House meets again. If it is granted during the session, the party's whip is free to move for a new writ immediately after the Chancellor of the Exchequer has signed the warrant of appointment (see also Factsheet M7 Parliamentary Elections).

## **Historical background**

### **Offices of profit**

Other nominal offices of profit under the Crown have included the Stewardships of the Manors of Old Shoreham, East Hendred, Poynings and Hempholme, last used in 1799, 1840, 1843 and 1865, respectively. In the Irish Parliament, two other offices, the Escheatorships of Munster and Ulster, were used as laid down by an Act of 1793; after the Union, these continued in the Westminster Parliament, under an Act of 1801. In these cases, appointment was made by Letters Patent under the Great Seal by the Lord-Lieutenant of Ireland. These offices lapsed after the 1830s, though Munster, together with Chiltern Hundreds, Northstead, Hempholme and East Hendred were retained under section 4 of the Elections of Members during Recess Act 1858 (chapter 110), which was in force until 1975.

### **The Chiltern Hundreds**

The Hundreds of Stoke, Desborough and Burnham are in Buckinghamshire, and include the towns of Amersham, Beaconsfield, High Wycombe, Marlow, Eton and Chesham. They extend from the Middlesex border west across most of the county and from the Hertfordshire border to the Thames. The Hundreds belonged to the Crown as early as the 13th century and were administered as a Royal bailiwick (run on behalf of the Crown). There was another Royal bailiwick of the Chiltern Hundreds, this being the four and a half hundreds of Binfield, Langtree, Lewknor, Pirton and Ewelme in Oxfordshire. During the seventeenth century, a hundred years after any records of their actual administration cease, the office of Steward became divorced from any former actual duties, and ceased to enjoy any revenues from the area.

The Stewardship of the Chiltern Hundreds is thought to have been used for the first time as a means of resignation from the House of Commons on 17 January 1751 by John Pitt, who wanted to vacate his seat for Wareham and stand for Dorchester. In October 1750, Pelham wrote to William Pitt "I find Jack Pitt is very anxious about quitting his seat in Parliament in order to be chosen at Dorchester. You know the only difficulty. I have assured him I will do my best when the King comes over ... I hope, when I can speak myself, it will do. I must beg you to make him easy". The King did indeed grant him the Stewardship, and John Pitt was later returned unopposed for Dorchester.

In 1842, the grant of the Chiltern Hundreds was refused to Viscount Chelsea.

### **Manor of Northstead**

The Manor of Northstead consisted of a number of fields and farms in the parish of Scalby in the North Riding of Yorkshire. In 1600 the main property of this manor was described as "an old chamber ... a low house under it, unfit for habitation. Sir Richard Cholmley's shepherd dwelt there until it fell down".

The Manor of Northstead was first granted in March 1844 to Sir George Rose, Member for Christchurch.

In 1861-62, there was some controversy about these offices. Gladstone evidently favoured the possibility of straightforward resignation, as he was worried about the honour conferred by the appointment. He thought people such as Edwin James, who had been appointed to the Chiltern Hundreds after he had fled to America owing £10,000, unworthy of the title. This led to a re-working of the letter of appointment to omit any reference to the Stewardship being a matter of honour.

# Appendix A

## Map of the Chiltern Hundreds



Map showing Chiltern Hundreds of Stoke (Stoches), Desborough (Dustenberge) and Burnham (Burneham) in Buckinghamshire. Taken from the Victoria County History of Buckinghamshire, Volume 1.

## Appendix B

### Appointments to the Chiltern Hundreds and Manor of Northstead Stewardships since 1970

Northstead		Chiltern Hundreds	
Date of appointment	Member's name	Date of appointment	Member's name
2 Apr 1970	William James Owen	11 Jan 1971	Horace Maybray King
3 Feb 1971	Walter Harold Alldritt	30 Mar 1972	Raymond Jones Gunter
16 Oct 1972	Dick Taverne	29 Dec 1972	George Thomson
16 Feb 1973	Maurice Foley	1 Jun 1973	Antony Lambton
11 Feb 1976	Selwyn Lloyd	27 Aug 1976	John Stonehouse
12 Oct 1976	Edward Short	12 Nov 1976	David Lane
5 Jan 1977	Christopher Tugendhat	5 Jan 1977	Roy Jenkins
5 Apr 1977	David Marquand	16 Jun 1977	Brian Walden
25 Jul 1977	John Cordle	6 Apr 1978	Sir Peter Rawlinson
6 Nov 1978	John Davies	24 Oct 1979	Geoffrey Dodsworth
5 May 1982	Bruce Douglas-Mann	1 Nov 1982	Robert Mellish
19 Jan 1984	Eric Varley	17 Dec 1985	James Molyneaux
17 Dec 1985	Rev Ian Paisley	17 Dec 1985	Roy Beggs
17 Dec 1985	Clifford Forsythe	17 Dec 1985	Harold McCusker
17 Dec 1985	Ken Maginnis	17 Dec 1985	William Ross
17 Dec 1985	Peter Robinson	17 Dec 1985	John D Taylor
17 Dec 1985	Rev Martin Smyth	17 Dec 1985	James Kilfedder
17 Dec 1985	A Cecil Walker	17 Dec 1985	James Nicholson
17 Dec 1985	J Enoch Powell	17 Dec 1985	Rev Robert McCrea
17 Apr 1986	Matthew Parris	24 Jun 1986	John Golding
1 Oct 1986	Robert Kilroy-Silk	18 Oct 1988	Bruce Millan
31 Dec 1988	Leon Brittan	18 May 1989	Stuart Holland
16 May 1994	Bryan Charles Gould	20 Jan 1995	Neil Gordon Kinnock
27 Oct 1997	Piers Merchant	28 Jun 1999	Alastair Goodlad
10 Jan 2000	Cynog Dafis	23 Oct 2000	Betty Boothroyd
21 Nov 2000	Dennis Canavan	22 Jun 2004	Terry Davis
8 Sep 2004	Peter Mandelson	27 Jun 2007	Tony Blair
4 Jun 2008	Boris Johnson	18 Jun 2008	David Davis
30 Jun 2008	David Marshall	8 Jun 2009	Ian Gibson
22 Jun 2009	Michael Martin	13 Jan 2010	Robinson, I
26 Jan 2011	Gerry Adams	09 Feb 2011	Eric Illsley
1 Apr 2011	Sir Peter Soulsby		

## Contact information

House of Commons Information Office  
House of Commons  
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Fax 020 7219 5839  
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