

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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January 2016

You asked for the Committee's advice about a new appointment as a Non Executive Director of Fujairah Refining Ltd.

The Committee noted that the majority shareholder of Fujairah Refining Ltd is Vitol, and that the Vitol Charitable Foundation donated money via DFID for typhoon/earthquake disaster relief while you were a Minister. They also noted that you had some contact with that organisation while in ministerial office through your involvement in the Libya Oil Cell. However, they took into account the fact that you left ministerial office over 18 months ago, and that this contact was more than two years before that. The Committee further took into account your previous career in the oil industry, and the fact that you carried out some work for Vitol prior to becoming a Minister. They also noted that you had had no access to commercially sensitive information about any competitors of the organisation during your last two years in office and that this new role will not involve any contact with the UK Government.

Taking into account the views of your former department and the FCO, given that you continue to hold a role as a Special Envoy to Yemen, the Committee sees no reason why you should not take up this appointment, subject to the following conditions:

- You should not draw on (disclose or use for the benefit of yourself or the organisations or persons to which this advice refers) any privileged information available to you as a Minister or a Special Envoy;
- You should make it clear in any activities you undertake on behalf of your new employer, its parent company, subsidiaries or clients, that you are acting as their representative and not as a Government representative; and
- For two years from your last day in ministerial office you should not become personally involved in lobbying the UK Government on behalf of Fujairah Refining Ltd, its parent company, subsidiaries or clients.

By 'privileged information' we mean official information to which a Minister has had access as a consequence of his or her office or employment and which has not been made publicly available.

Members:

Mark Addison, Sir Alex Allan KCB, Baroness Browning (Chair), Lord German OBE, Mary Jo Jacobi, Terence Jagger CBE, Rt Hon Baroness Liddell of Coatdyke, John Wood

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Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Civil Service Code or otherwise.

Also, it might be helpful if I add that the Business Appointment Rules explain that the restriction on lobbying means that former Ministers "should not engage in communication with Government – including Ministers, special advisers and officials – with a view to influencing a Government decision or policy [including applications for awards or grants] in relation to their own interests, or the interests of the organisation by which they are employed, or to whom they are contracted".

I should be grateful if you would inform us as soon as you take up this appointment, or if it is announced that you will do so, either by returning the enclosed form or by emailing the office at the above address. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments which have not been taken up or announced. This could lead to a false assumption being made about whether you had complied with the Ministerial Code. Similarly, I should be grateful if you would inform us if you propose to extend or otherwise change this role as, depending on the circumstances, it may be necessary for you to seek fresh advice.

Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and include the main details of the application, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

The Baroness Browning

Rt Hon Sir Alan Duncan KCMG MP

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