

BUSINESS APPOINTMENT RULES FOR FORMER MINISTERS

It is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.

THE RULES

“On leaving office, Ministers will be prohibited from lobbying Government for two years. They must also seek advice from the independent Advisory Committee on Business Appointments about any appointments or employment they wish to take up within two years of leaving office. Former Ministers must abide by the advice of the Committee.” [Ministerial Code, section 7.25]

1. The business appointment rules for former Ministers seek to counter suspicion that:
 - a) the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
 - b) an employer could make improper use of official information to which a former Minister has had access; or
 - c) there may be cause for concern about the appointment in some other particular respect.

APPLICATIONS BY FORMER MINISTERS

2. A fully completed application form will in most cases provide the Advisory Committee with the information it requires in order to give its advice. The form can be accessed at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/409591/business_appointments_application_form_-_former_ministers_2015_.doc

3. The Committee will need to consider details of the proposed appointment or employment, which includes any proposal to undertake consultancy work. If necessary, the Committee will seek, in confidence, additional information from senior officials of a former Minister's Department(s) about any contact with the prospective employer or its competitors and the nature of any contractual, regulatory or other relationships with them. The Committee will also, if

relevant to the proposed appointment or employment, take account of any other role that the former Minister may have been (or still be) carrying out on behalf of the Government. With the former Minister's permission, the Committee may wish to contact the proposed new employer for clarification of the proposed appointment or employment and notification of the conditions that will apply to it.

4. Retrospective applications will not normally be accepted.
5. The Advisory Committee will consider each request for advice about an appointment or employment on its merits, against specific tests relating to the following:
 - I. to what extent, if at all, has the former Minister been in a position which could lay him or her open to the suggestion that the appointment was in some way a reward for past favours?
 - II. has the former Minister been in a position where he or she has had access to trade secrets of competitors, knowledge of unannounced Government policy or other sensitive information which could give his or her new employer an unfair or improper advantage?
 - III. is there another specific reason why acceptance of the appointment or employment could give rise to public concern on propriety grounds directly related to his or her former Ministerial role?
6. The Advisory Committee will need to balance any points arising under these tests against the desirability of former Ministers being able to move into business or other areas of public life, and the need for them to be able to start a new career or resume a former one.

RESTRICTIONS

7. The Advisory Committee may advise that they see no reason why an appointment or employment should not be taken up forthwith without any condition. However, if it considers that public concern could be of such a degree or character, it may recommend a delay in taking up the appointment, or that for a specified period the former Minister should stand aside from involvement in certain activities, for example, commercial dealings with his or her former Department, or involvement in particular areas of the new employer's business. Any conditions advised may apply for a maximum of two years after the former Minister leaves office. Exceptionally, the Committee may advise that they view a particular appointment or employment to be unsuitable.
8. As a general principle, there will be a two-year ban on former Ministers lobbying Government after they leave office. This means that a former

Minister should not engage in communication with Government (Ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a Government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office. This does not prohibit contacts, including at a social or party political level which is unrelated to such lobbying. The Advisory Committee may reduce the two-year lobbying ban if they consider this to be justified by the particular circumstances of an individual application.

9. In certain cases, due to the nature of the proposed appointment or employment, the Advisory Committee may, at its discretion, recommend that the lobbying ban need not prevent communications with Government on matters that are an integral part of the normal course of business for the organisation concerned.
10. A minimum waiting period of three months from the date of leaving office to taking up an appointment or employment will be expected when the former Minister was a member of Cabinet, and may also be applied to other former Ministers if the Advisory Committee believes this to be warranted by the circumstances of the individual case. The Committee may waive this minimum waiting period if, in its judgement, no question of propriety or public concern arises from the appointment or employment being taken up earlier. Equally, the Committee may consider that public concern about a particular appointment or employment could be of such a degree or character that a longer waiting period is appropriate up to the maximum period of two years that may be applied.
11. The Advisory Committee aims to provide their advice within 15 working days from receipt of the required information. Complex cases may take longer, but in such cases, the Advisory Committee's Secretariat will notify the former Minister concerned.
12. If, having received the Advisory Committee's advice, a former Minister has concerns, he or she will have an opportunity to make representations to the Committee, including an opportunity to meet with the Committee if they so wish.

PUBLICISING THE ADVISORY COMMITTEE'S ADVICE¹

13. All approaches to the Advisory Committee will be handled in strict confidence, and will remain confidential until the appointment or employment is publicly announced or taken up, at which time the Committee will make public its advice, alongside summary details of the former Minister's last Ministerial post, and the appointment or employment to be taken up. Details will be placed on its website (<https://www.gov.uk/acoba>) and in its annual report. If asked, the Committee will say publicly whether or not its advice had been sought about an appointment or employment that had been taken up within two years of a Minister leaving office.

¹ The Committee handles personal information provided to it in accordance with the Data Protection Act 1998. Such information may on limited occasions be published, for example, if the Committee is required to publish information in accordance with the Freedom of Information Act 2000.