



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

G/7 Ground Floor, 1 Horse Guards Road SW1A 2HQ

Telephone: 020 7271 0839

Email: acoba@acoba.gov.uk

Website: <http://www.gov.uk/acoba>

December 2020

1. You approached the Committee seeking advice on taking up an appointment with Skyrora Ltd.

The Committee's role and remit

2. As you will be aware, it is the Committee's role to advise on the conditions that should apply to appointments or employment under the Government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office. The Rules seek to counter suspicion that:
 - 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
 - an employer could make improper use of official information to which a former Minister has had access; or
 - there may be cause for concern about the appointment in some other particular respect.
3. When the Committee considers applications it must have in mind that Government has judged that 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.
4. It is not the Committee's role to pass judgment on whether an appointment is appropriate or suitable in any other regard.

The application

5. You seek to join Skyrora Ltd (Skyrora) as an Advisor. This is a paid part-time role.
6. Skyrora Limited is a space technology company developing products and services for the small satellite launch market.
7. It is a private space company based in Scotland founded in 2017 that designs, manufactures and deploys rockets to clear the way for small satellite manufacturers looking to access space.

8. You stated your role as an adviser will primarily involve contributions to internal discussions with management in relation to the company's strategy and plans for business development. You do not expect this role to include contact with the UK Government.
9. You informed the Committee you neither had official dealings with, nor made any commercial or contractual decisions on Skyrora while in office. You stated you regularly met with companies in the space technology sector as part of your work as Minister for Universities, Science, Research and Innovation, nor did you have access to sensitive information on these competitors.
10. The Department for Education (DfE) and the Department for Business, Energy and Industrial Strategy (BEIS) were contacted regarding your application. BEIS confirmed it had no record of your meeting with the company in office. However, you had met with competitors of Skyrora, Lockheed Martin, Orbex and Sutherland as part of the Spaceflight programme. Mitigating this, BEIS noted:
 - This would last have been in January 2018, when you left your previous role at BEIS and DfE as Minister for Universities, Science, Research and Innovation.
 - That any information you would have had access to as part of these meetings would now be out of date.
 - That you did not have access to such information during your brief time back in ministerial office with BEIS in the summer of 2019.

BEIS further stated in regard to your access to policy information that:

- Though you oversaw the development of the Spaceflight Programme and Space Industry Act 2018, this information is now all in the public domain.
 - Though the Spaceflight Programme created a beneficial regulatory environment for all UK launch companies, there has been no direct benefit to Skyrora to date.
11. BEIS also noted that Skyrora has applied for support from the European Space Agency under its Commercial Space Transportation Services programme. The programme is partially funded by the UK Space Agency (UKSA), an ALB of BEIS which is responsible for all strategic decisions on the UK civil space programme. Bids for funding under the programme are therefore partially assessed by the UKSA.
 12. BEIS and DfE stated they had no concerns or conflicts to report on the appointment.

The Committee's consideration

13. The Committee¹ took into account that you and your former departments confirmed you did not meet with, or have any official involvement with Skyrora while in office. Neither department had any information to indicate you were involved in the awarding of funding or contracts to the company. Though you did help generate a beneficial regulatory environment for UK launch companies, BEIS confirmed this did not affect Skyrora in isolation. The Committee therefore considered the risk you were offered the role for decisions made in office is low.

¹ This application for advice was considered by Sir Alex Allan; Jonathan Baume; Dr Susan Liautaud ; The Rt Hon Lord Pickles; Richard Thomas; Mike Weir; Lord Larry Whitty and John Wood.

14. When considering your application, the Committee noted that as a minister with responsibilities for research, innovation and science there is a risk you would have access to sensitive information that could provide an unfair advantage to a company such as Skyrora. For example, access to sensitive policy and commercial information given your role in the Space Flight Programme. However, the Committee noted that over 2 years has passed since you have access to information on the Space Flight Programme. BEIS confirmed the policy information is now in the public domain and any access to commercial information is significantly dated. As a former minister you are prevented from making any use of privileged information from your time in office.
15. Further, you will have developed contacts which may provide an unfair advantage to a company operating in the space and satellites sector. The Committee noted that you will not have contact with the Government, though it would nevertheless draw your attention to the lobbying condition which prevents you from being personally involved in lobbying the UK Government or its Arms' Length Bodies on behalf of Skyrora.
16. Given the company's bid for funding under the European Space Agency's Commercial Space Transportation Services programme and the fact that UKSA plays a role in assessing bids, the Committee would draw your attention to the conditions imposed below prevent you from providing advice on contracts and bids for any work with the UK Government or its Arms' Length Bodies. This mitigates the risk you could be seen to offer any unfair influence, with regard to any such application for funding, as a result of your time as a minister.
17. Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises this appointment with **Skyrora Ltd** be subject to the following conditions:
 - you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in Ministerial office;
 - for two years from your last day in Ministerial office, you should not become personally involved in lobbying the UK Government or its Arms' Length Bodies on behalf of Skyrora Ltd (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the Government and/or Ministerial contacts to influence policy, secure business/funding or otherwise unfairly advantage Skyrora Ltd (including parent companies, subsidiaries, partners and clients); and
 - for two years from your last day in Ministerial office you should not undertake any work with Skyrora Ltd (including parent companies, subsidiaries, partners and clients) that involves providing advice on the terms of, or with regard to the subject matter of a bid with, or contract relating directly to the work of, the UK Government or its Arms' Length Bodies
18. The Committee also notes that in addition to the conditions imposed on this appointment, there are separate rules in place with regard to your role in the House of Lords.
19. By 'privileged information' we mean official information to which a Minister or Crown

servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act or otherwise.

20. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/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.”*
21. We 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 that 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 your role with the organisation as depending on the circumstances, it might be necessary for you to seek fresh advice.
22. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee’s website and in the relevant next annual report.

The Rt Hon Lord Pickles

The Rt Hon Lord Johnson of Marylebone