



HM Government

Independent Adviser on Ministerial Interests - Terms of Reference

The Independent Adviser on Ministers' Interests is appointed by the Prime Minister to advise him on matters relating to the Ministerial Code. The post holder is independent of Government and expected to provide impartial advice to the Prime Minister. The post holder is required to observe the Seven Principles of Public Life.

Specific responsibilities:

1. Ministers' interests

Under the Ministerial Code (7.2), "it is the personal responsibility of each Minister to decide whether and what action is needed to avoid a conflict or the perception of a conflict, taking account of advice received from their Permanent Secretary and the independent adviser on Ministers' interests".

Ministers are required, upon appointment to each new office, to provide a full list of interests which might be thought to give rise to a conflict (7.3). The independent adviser scrutinises all declarations and provides advice on the handling of interests (7.4). He is also able to provide advice on the handling of interests on an ad hoc basis.

The personal information which Ministers disclose to those who advise them is treated in confidence (7.5). The Ministerial Code provides that "a statement covering relevant Ministers' interests will be published twice yearly" (7.5). The Independent Adviser oversees the production of this statement in the form of a List of Ministers' Interests, advising on what is necessary to publish, as relevant, within the List.

2. Investigation of alleged breaches of the Ministerial Code

Under the terms of the Ministerial Code (1.4): "If there is an allegation about a breach of the Code, and the Prime Minister, having consulted the Cabinet Secretary, feels that it warrants further investigation, he may ask the Cabinet Office to investigate the facts of the case and/or refer the matter to the independent adviser on Ministers' interests."

Where, in the assessment of the Independent Adviser, he believes an allegation about a breach of the Code might warrant further investigation, he will raise the issue confidentially with the Prime Minister.

The decision on whether a Minister remains in office after an investigation sits with the Prime Minister, as “the ultimate judge of the standards of behaviour expected of a Minister and the appropriate consequences of a breach of those standards” (1.6). The Prime Minister may ask the Independent Adviser for recommendations about the appropriate sanction where the Prime Minister judges there to have been a breach of those standards. These recommendations will remain confidential.

3. Publication of an Annual Report to the Prime Minister

In addition to the List of Ministers’ Interests, the Independent Adviser also publishes an Annual Report, independently of government, setting out the work he has undertaken and his observations on matters within his responsibilities. Where a matter has been referred to the Independent Adviser by the Prime Minister, or an inquiry has been initiated after the Independent Adviser has raised the issue with the Prime Minister and the Prime Minister has agreed to this, he may require that, at the conclusion of his work, his advice to the Prime Minister is published in a timely manner.

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