

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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October 2015

You asked for the Committee's advice about taking up a paid, part-time appointment with African Potash as a Non-Executive Director (NED). African Potash is an AIM (Alternative Investment Market) quoted company focused on building a vertically integrated platform for the mining, production and distribution of fertiliser, primarily within Africa. As an NED you would utilise your contacts and knowledge to source the most attractive transactions and assess potential targets for acquisition. The proposed start date for the appointment is October 2015 and you expect there would be a time commitment of around 2 days per month.

The Committee took into account that you did not have any official dealings with African Potash while in ministerial office, nor did you have official dealings with any competitors of your prospective employer.

Taking into account all of the circumstances, and having sought the opinion of your former department, which did not have any concerns regarding the propriety of this appointment, the Committee sees no reason why you should not take up the 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 in your time as a Minister; 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 African Potash, or any of its 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. 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.

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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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 the 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 your role with African Potash 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.

Baroness Browning

Rt Hon Mark Simmonds

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