



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice about joining the Regulation Board of the Institute of Chartered Accountants of Scotland (ICAS).

The Regulation Board is engaged in key policy initiatives relating to regulation; is responsible for monitoring and responding to legislation and public policy which could affect the regulatory responsibilities of ICAS; and responsible for setting appropriate regulations and guidance.

You will join the Regulation Board with a view to becoming Chair at the end of 2017.

The Committee noted this is a part-time, paid role, amounting to around 12 days of work a year. The Regulation Board meets four times per annum, reports quarterly to the ICAS Oversight Board and annually to the ICAS Council. As Chair of the Regulation Board, you will also attend meetings of the Oversight Board and Council.

The Committee considered the contact you had with ICAS while in ministerial office, namely:

- you were a guest Speaker at ICAS' Grampian Region Annual Dinner (2013);
- you participated in the London Area Burns Supper (2014); and
- as part of the ministerial team at the Scotland Office, you had some informal meetings with ICAS members and officials in connection with the referendum on Scottish independence.

The Committee also took into consideration that whilst ICAS does have contact with Government, in your role as a member or Chairman of the Regulation Board you would not.

Taking into account all of the circumstances, the Committee advises that, in accordance with the Government's Business Appointment Rules, the appointment be subject to the following conditions:

- that 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; 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 ICAS or its members, or make use, directly or indirectly, of your contacts in Government and/or Crown service to influence policy or secure business on behalf of ICAS or its members.

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.

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 Lord Wallace of Tankerness QC