



## OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice about taking up an appointment as an Advisory Board Member at the Fine Instrument Fund.

### **The Committee's role and remit**

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:

- 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.

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.

### **The Committee's consideration**

You sought advice on joining the Fine Instrument Fund as an advisory board member in a part-time paid capacity, involving around 3 days of work each year. This is a start up fund, founded by Andrew Bernardi who approached you about this opportunity. You explained to the Committee that the fund will focus on investing in classical music instruments for capital appreciation. As this is a new start up, you confirmed you had no contact with the organisation whilst in office, nor did you have access to commercially sensitive information about it or any competitors. This was confirmed by the Department for International Trade.

The Committee noted that the Permanent Secretaries at both the Department for International Trade and Department for Business, Energy and Industrial Strategy have no reservations about this appointments; and that 15 months have now passed since your last day in Ministerial office.

Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises the appointments 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 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 the Fine Instrument Fund, their partners or clients. Nor should you make use, directly or indirectly, of your contacts within Government and/or Crown service to influence policy or secure business on behalf of the Fine Instrument Fund, its partners or clients.

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, the Civil Service Code or otherwise.

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.*"

I should be grateful if you would inform us as soon as you take up this role, 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 Rules and the Ministerial Code.

Please also inform us if you propose to extend or otherwise change the nature of this role as, depending on the circumstances, it may be necessary for you to make a fresh application. 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 applications, 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

The Rt Hon Lord Maude of Horsham