



**OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS**

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**BUSINESS APPOINTMENT APPLICATION: The Rt Hon Robert Buckland QC MP, former Lord Chancellor and Secretary of State for Justice. Appointment with BSV Claims Limited Company, instructing Velitor Limited.**

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former ministers (the Rules) seeking advice on taking up a paid role as a Director of BSV Claims Limited company (BSV) - set up to instruct Velitor Limited (Velitor). The material information taken into consideration by the Committee is set out in the below annex.
2. The purpose of the Rules is to protect the integrity of the government. Under the Rules, the Committee's remit is to consider the risks associated with the actions and decisions made during time in office, alongside the information and influence you may offer BSV or Velitor.
3. The Ministerial Code sets out that ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of Parliament, are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.
4. It should also be noted that in addition to the conditions imposed on this appointment under the government's Business Appointment Rules, there are separate rules in place with regard to your role as a member of the House of Commons.

The Committee's consideration of the risk presented

5. You did not have any official contact with Velitor whilst in office and BSV has been set up to represent the 244,000 UK individuals. Further, your former department, the Ministry of Justice (MOJ) confirmed you did not make any decisions that would have specifically affected Velitor or BSV. The risk that this appointment is perceived as a reward for actions taken in office is therefore low.

6. The Committee<sup>1</sup> noted as the former Lord Chancellor and Secretary of State for Justice there is an inherent risk you could be perceived as having access to relevant privileged information and knowledge, which could unfairly benefit any organisation operating in the legal and justice sector. There are also inherent risks associated with your network and potential influence within government as a result of your time in ministerial office.

7. The Committee noted there are several mitigating factors in respect of the risks associated with your access to information and influence:

- this role is limited to leading a specific collective legal proceeding - which is the sole purpose of BSV being set up;
- you will not be engaged with Velitor more broadly;
- 8 months has passed since you were in office
- you are prevented from using sensitive information by a number of formal restraints, as well as the Rules. These include: the Bar Code of Conduct as well as legal professional privilege and client confidentiality, alongside the rules and principles which apply to all former ministers; and
- the MOJ has no concerns regarding your access to information.

#### The Committee's advice

8. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Business Appointment Rules. Whilst there are inherent risks associated with your access to sensitive information and contacts, the standard conditions below, preventing you from drawing on your privileged information and using your contacts to the unfair advantage of your new employer, will sufficiently mitigate the risks presented in this narrowly defined role.

9. In accordance with the government's Business Appointment Rules, the Committee advises this role with **BSV Claims Limited company set up to instruct Velitor Limited** be subject to the following conditions:

- that you should not draw on (disclose or use for the benefit of yourself or the organisations to which this advice refers) any privileged information available to you from your time in office;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the government or any of its Arm's Length Bodies on behalf of BSV Claims Limited company and Velitor Limited (including clients, parent companies, subsidiaries and partners). Nor should you make use, directly or indirectly, of your government and/or ministerial contacts to influence policy, secure funding/business or otherwise unfairly benefit BSV Claims Limited company and Velitor Limited (including clients, parent companies, subsidiaries and partners); and

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<sup>1</sup> This application for advice was considered by Jonathan Baume; Andrew Cumptsy; Isabel Doverty; Sarah de Gay; Dr Susan Liautaud; The Rt Hon Lord Pickles and Mike Weir. Larry Whitty and Richard Thomas were unavailable

- for two years from your last day in ministerial office, you should not provide advice to BSV Claims Limited company and Velitor Limited (including clients, parent companies, subsidiaries and partners) 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 any of its Arm's Length Bodies.

10. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate to rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards. It is an applicant's personal responsibility to understand any other rules and regulations you may be subject to in parallel with this Committee's advice.

11. 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 Ministerial Code/Civil Service Code or otherwise.

12. 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."*

13. I should be grateful if you would inform us as soon as you take up this work or if it is announced that you will do so. 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.

14. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

The Rt Hon Lord Pickles

## Annex

### The role

1. You wish to take up a paid part time role as a director and member of BSV Claims Limited. BSV Claims Limited is a company set up to instruct Velitor Limited as solicitors.
2. Velitor's website says it is a boutique legal practice with a unique focus on claimants. The solicitors has a '...single-minded mission to seek justice and recourse against seemingly insurmountable institutions'.
3. You said you would be one two directors of BSV (alongside Lord David Currie). BSV is being established as a special purpose vehicle for the sole purpose of acting as a Class Representative in opt-out collective proceedings under section 47B of the Competition Act 1998<sup>2</sup>. You said this will enable you to be the lead complainant in collective legal proceedings to be launched in the Competition Appeals Tribunal against a number of cryptocurrency companies alleging anti-competitive practices in breach of UK law. The claim will be made on behalf of circa 244,000 UK residents who have suffered losses.
4. You explained to the Committee this litigation (and as a result BSV) is being funded by Softwhale Holdings Limited (an Antigua International Business Company set up in 2019 by Fitzgerald Management & Trust Services Inc) under the terms of a Litigation Funding Agreement ("LFA")<sup>3</sup>. BSV will be the named applicant / proposed Class Representative for the proceedings.
5. You stated you would not be acting as a lawyer or litigator and rather, your work would consist of '*...the assimilation of information and the tendency of*

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<sup>2</sup> <https://www.legislation.gov.uk/ukpga/1998/41/section/47B>

<sup>3</sup> Where a third party (with no prior connection to the litigation) agrees to finance all or part of the legal costs of the litigation, in return for a fee payable from the proceeds recovered by the funded litigant.

*instructions to Velitor, who would act as the litigators*'. You informed the Committee you would be remunerated at an hourly rate, but would receive no lump sum or share of damages. As such, you said '*...there would be no personal financial incentive when it came to the outcome of the case*' and he would '*...have a duty to act in the best interests of the collective group*'.

6. Softwhale Holdings Limited (company funding the litigation) will be prevented from having any involvement in the process and this work would not involve any government department or the need to approach or contact any minister or official.

#### Dealings in office

7. You stated: you did not have contact with Velitor while you were in office and had no involvement in policy or contractual decisions whilst in office that would have specifically impacted Velitor. You said you would have met a variety of legal service providers during as Lord Chancellor, but none relating to cryptocurrency or the Competition Appeal Tribunal. You also confirmed you have no access to sensitive information about competitors of Velitor.

#### Department Assessment

8. The Ministry of Justice was consulted on this appointment and confirmed the details you provided. It has no concerns about this appointment given the nature of the role and your experience of the legal system. The department said this engagement would '*...enforce the principle of the rule and application of English law and the independence of the judiciary, and would not be seen as a conflict*'.