



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

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July 2024

**Government's Business Appointment Rules Application: Lieutenant General Sir Nick Borton KCB DSO MBE, former Commander of the Allied Rapid Reaction Corps (ARRC), Ministry of Defence. Paid appointment with Anders de Wiart Associates Ltd.**

1. Lieutenant General Sir Nick Borton KCB DSO MBE (Lt Gen Sir Nick) approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for Former Crown Servants (the Rules) seeking advice on taking up an appointment to Anders de Wiart Associates Ltd (Anders) as a trainer and mentor.
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions made during Lt Gen Sir Nick's time in office, alongside the information and influence he may offer Anders. The material information taken into consideration by the Committee is set out in the annex below.
3. The Committee's advice is not an endorsement of the appointment - it imposes a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules.
4. The Rules<sup>1</sup> set out that Crown servants must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former Crown servants are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's consideration of the risks presented

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<sup>1</sup> Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The King's Regulations and the Diplomatic Service Code.

5. Anders is a UK company that provides support to NATO and European Union armies with advisory work to design and transform their approach to army training. There is no contractual relationship between the Ministry of Defence (MOD) and the company. Further, the MOD confirmed that Lt Gen Sir Nick did not make any decisions specific to Anders; nor did he have any contact with the company in office. Accordingly, the risk is low that this role could reasonably be seen as a reward for decisions made or actions taken in office.
6. As Anders operates within the defence sector, there is a risk that Lt Gen Sir Nick may have, or be seen to have, access to general information on defence matters. There are a number of mitigating factors in relation to his access to sensitive information:
  - Lt Gen Sir Nick's access to information was limited to the operation and training of ARRC troops - ensuring readiness and the discharge of operational tasks, as directed by higher command headquarters in the UK NATO. He was not responsible for leading on the development of overall UK or NATO military strategy or plans;
  - his operational focus was on the response to the war in Ukraine and focussed on deterrence in Europe, which is a fast moving conflict area;
  - Sir Nick said that the operational boards he sat on within ARRC, the information can now be found in Janes – a platform for global open-source defence intelligence.
  - the MOD is not aware of any access to information that could unfairly advantage the company;
  - there will have been a sixth month gap between Sir Nick's operational role and access to information and when he intends to take up this role.
7. There is also a risk associated with the wide range of contacts that Lt Gen Sir Nick would have amassed during his time in office, in the UK and beyond. Such a network may offer unfair access to Anders, particularly if he was to be involved in work related to the UK MOD where his responsibilities.

### The Committee's advice

8. The Committee<sup>2</sup> considered Lt Gen Sir Nick's role as the Commander of ARRC and his access to information presents limited risks given its operational focus on the conflict in Ukraine and Russia.

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<sup>2</sup> This application for advice was considered by Andrew Cumpsty; Hedley Finn OBE; Sarah de Gay; The Rt Hon Baroness Jones of Whitchurch; Dawid Konotey-Ahulu CBE; The Rt Hon Lord Eric Pickles; Michael Prescott; and Mike Weir. Isabel Doverty was unavailable.

9. Given the general overlap with his time at the MOD and his seniority at the operational level as an expert in recent warfighting, there remains a risk associated with potential influence within the UK MOD. The Committee agreed with the MOD that there should be a condition imposed to limit his role to that which he has described, including no work within the UK defence sector.
10. The conditions below make it clear Lt Gen Sir Nick must not make use of his access to privileged information, contacts or influence gained from his time in Crown service to offer Anders an unfair advantage, including in relation to bids and contracts with the UK MOD or NATO allied militaries.
11. In accordance with the government's Business Appointment Rules, the Committee advises that this role with **Anders de Wiert Associates Ltd** be subject to the following conditions:
  - he should not draw on (disclose or use for the benefit of himself or the persons or organisations to which this advice refers) any privileged information available to him from his time in Crown service;
  - for two years from his last day in Crown service, he should not become personally involved in lobbying the UK government, MOD or NATO allied militaries or their arm's length bodies on behalf of Anders de Wiert Associates Ltd (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government and/or ministerial contacts to influence policy, secure business/funding or otherwise unfairly advantage Anders de Wiert Associates Ltd (including parent companies, subsidiaries, partners and clients);
  - for two years from his last day in Crown service, he should not provide advice to Anders de Wiert Associates Ltd (including parent companies, subsidiaries or partners) on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK government, the MOD and its trading funds, NATO allied militaries or their arm's length bodies; and
  - for two years from his last day in Crown service, his role with Anders de Wiert Associates Ltd (including parent companies, subsidiaries or partners) must be limited to providing advice, training and mentorship to an Eastern European Army (a NATO allied military). In doing so, he should not advise Anders de Wiert Associates Ltd or its clients on the UK defence sector and he must not directly engage with the UK government/the MOD or its arm's length bodies on Anders de Wiert Associates Ltd's behalf (including parent companies, subsidiaries, partners and clients).

12. The advice and the conditions under the government's Business Appointment Rules relate to his previous role in government only; they are separate from rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Registrar of Lords' Interests<sup>3</sup>. It is an applicant's personal responsibility to understand any other rules and regulations they may be subject to in parallel with this Committee's advice.
13. 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.
14. 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.*"
15. Lt Gen Sir Nick must inform us as soon as he takes up employment with this organisation. Similarly he must inform us if he proposes to extend or otherwise change the nature of his role as, depending on the circumstances, it may be necessary for him to make a fresh application.
16. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and where appropriate refer to in the annual report.

Xante Chalwell  
**Committee Secretariat**

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<sup>3</sup> All Peers and Members of Parliament are prevented from paid lobbying under the House of Commons Code of Conduct and the Code of Conduct for Members of the House of Lords. Advice on obligations under the Code can be sought from the Parliamentary Commissioners for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers.

## **Annex - Material information**

### The role

1. According to Lt Gen Sir Nick, Anders de Wiert Associates Ltd (Anders) is a newly established UK company. Its purpose is to provide support to the NATO/EU armies with advisory work to design and transform their approach to army training.
2. Lt Gen Sir Nick will be taking up a paid part time position as a Trainer and Mentor. He said he will be providing land tactical training/mentoring to an Eastern European NATO allied Army. His responsibilities will entail:
  - providing low-level tactical training such as battlegroups and brigade level, and possibly up to division level.
  - providing expert advice and mentorship.
3. Lt Gen Sir Nick confirmed the role would not have any contact or dealings with the UK MOD/government; nor would he work on UK defence matters.

### Dealings in office

4. Lt Gen Sir Nick advised the Committee that he did not meet with Anders in office; nor did he make any policy, regulatory, commercial or operational decisions specific to the organisation.

### Departmental Assessment

5. The MOD confirmed the details Lt Gen Sir Nick provided:
  - He was not involved in any policy, regulatory, commercial or operational decisions specific to Anders.
  - He did not have access to sensitive information specific to the organisation.
6. The MOD added that:
  - The role of Commander is leading the Corps to be ready for, and to discharge, operational tasks, as directed by higher command headquarters in the UK and in NATO – rather than lead on the development of overall UK or NATO military strategy or plans. Lt Gen Sir Nick's role would not have had responsibility for the overall financial and commercial arrangements associated with NATO or UK strategies, plans or operations. It added that while his corps would have had some of their own commercial partners at tactical level in order to operate, Lt Gen Sir Nick would have no direct involvement in these, which would

have been delegated to his 2 Star Chief of Staff and 1 Star Signal Brigade commander.

7. The MOD recommended the standard conditions alongside a behavioural condition to prevent him from working on matters related to the UK MOD and his responsibilities in office.