

*From the Chair*



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

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**BUSINESS APPOINTMENT APPLICATION: The Rt Hon Chris Heaton-Harris, former Secretary of State for Northern Ireland. Paid commission with M2 Recovery LTD under HH Advisory Services.**

1. You sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Ministers (the Rules) on taking up a commission with M2 Recovery LTD (M2 Recovery) as a Business Consultant under the independent consultancy, HH Advisory Services Ltd (HH Advisory Services).
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 you made during your time in office, alongside the information and influence you may offer M2 Recovery and its clients. The material information taken into consideration by the Committee is set out in the annex.
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 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.

The Committee's consideration of the risks presented

5. The Committee<sup>1</sup> considered this commission to be broadly consistent with the description of HH Advisory Services – which provides services in broadening client base and new market penetration.
6. There is no relationship between M2 Recovery and your former department; you did not meet with, nor did you make any decisions in office specific to M2 Recovery. Therefore, the Committee considered there is limited risk that this commission can reasonably be perceived as a reward for decisions made in office.
7. The Committee recognised as the Secretary of State for Northern Ireland you had access to a range of information across different sectors. This risk is limited given there is no known overlap between your time in office and the work of M2 Recovery. Further, it has been over eight months since you last had access to information, and your former department is not aware of any sensitive information or insight you have that could offer M2 Recovery an unfair advantage.
8. There is a risk that you might be seen to offer unfair access to, and influence within, government. You confirmed your work excludes any dealings with the UK government, reducing the risk you could be perceived to be lobbying the UK government - which all former ministers are prevented from doing for two years after leaving office.
9. Given your ministerial profile as the former Secretary of State for Northern Ireland, there is a risk of a perception that your network and influence gained in office may unfairly advantage M2 Recovery.

#### The Committee's advice

10. The Committee determined the risks identified can be appropriately mitigated by the conditions below. These make it clear that you cannot make use of privileged information or influence gained from your time in ministerial office to the unfair advantage of M2 Recovery under HH Advisory Services. They also prevent you from lobbying contacts you made during your time in office in other governments and organisations outside of the UK government, for the purpose of securing business for M2 Recovery.
11. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this commission with

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<sup>1</sup> This application for advice was considered by Isabel Doverty; Sarah de Gay; Hedley Finn OBE; Dawid Konotey-Ahulu CBE DL; The Rt Hon Lord Pickles; Michael Prescott; Baroness Thornton and Mike Weir. Andrew Cumpsty was recused.

**M2 Recovery LTD**, should be subject to the same conditions applied to your employment with the independent consultancy, HH Advisory Services:

- you should not draw on (disclose for use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in ministerial office;
- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or any of its arm's length bodies on behalf of M2 Recovery LTD (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial office contacts to influence policy, secure business/funding or otherwise unfairly advantage M2 Recovery LTD (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in ministerial office, you should not provide advice to or on behalf of M2 Recovery LTD (including parent companies, subsidiaries, partners and clients) 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;
- for two years from your last day in ministerial service, you should not become personally involved in lobbying contacts you developed during your time in office in other governments and organisations for the purpose of securing business for M2 Recovery LTD; and
- for two years from your last day in ministerial office, before accepting any commissions for HH Advisory Services Ltd and or/before extending or otherwise changing the nature of your commissions, you should seek advice from the Committee. The Committee will decide whether each commission is consistent with the terms of the consultancy and consider any relevant factors under the Business Appointment Rules.

12. The advice and the conditions under the government's Business Appointment Rules relate to your 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>2</sup> It is an applicant's personal responsibility to

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<sup>2</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.

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 Ministerial Code or otherwise.
14. The Business Appointment Rules explain that the restriction on lobbying means that you *'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. You must inform us as soon as you take up employment with this organisation, or if it is announced that you will do so. You must also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you 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 it in the relevant annual report.

**The Rt Hon Lord Pickles**

## **Annex – Material Information**

### The role

1. You stated M2 Recovery provides an insurance product to cover legal fees for those who buy cryptocurrencies and are victims of theft or fraud. The company is regulated by the Financial Conduct Authority. According to its website, M2 Recovery arranges legal expenses insurance for the recovery of cryptoassets. It does not advise on, nor arrange investment in, cryptoassets.
2. You stated this is a paid commission under HH Advisory Services, which provides advisory services on the following:
  - Broadening client base and new market penetration.
  - Cryptocurrency and cyber security.
  - Forming trade bodies and working with business.
  - Football governance.
3. As a Business Consultant, you said you will be advising M2 Recovery in broadening the company's client base.
4. You confirmed the work of HH Advisory Services and this commission with M2 Recovery will not involve contact with, or lobbying of government.

### Dealings in office

5. You informed the Committee that you did not meet with, nor were you involved in decisions, nor had access to sensitive information specific to M2 Recovery.

### Departmental assessment

6. NIO confirmed the details in your application, including that you made no decisions specific to M2 Recovery, nor do you have access to information that would offer an unfair advantage to the company.
7. NIO did not have concerns with this commission and recommended the standard conditions apply to an independent consultancy.