

*From the Chair*



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

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**BUSINESS APPOINTMENT APPLICATION: Huw Merriman, former Minister of State at the Department for Transport. Unpaid appointment with the Railway Benefit Fund.**

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Ministers (the Rules) seeking advice on taking up an unpaid role as Honorary Patron for the Railway Benefit Fund.
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 your time in office, alongside the information and influence you may offer the Railway Benefit Fund. 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 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. When considering this application, the Committee<sup>1</sup> took into account this appointment as Honorary Patron of the Railway Benefit Fund is unpaid.<sup>2</sup> Generally, the Committee's experience is that the risks related to unpaid roles are limited. The purpose of the Rules is to protect the integrity of government by considering the real and perceived risks associated with former Crown servants joining outside organisations. Those risks include: using privileged access to contacts and information to the benefit of themselves or those they represent. The Rules also seek to mitigate the risks that individuals may make decisions, or take action in office, in expectation of rewards on leaving government. These risks are significantly limited in unpaid cases due to the lack of financial gain to the individual.
6. As a former DfT minister, there is a broad overlap between your responsibilities whilst at DfT and the work of the Railway Benefit Fund. The risks are limited given your access to information is not specific, you left office more than six months ago and given the nature of the charity's work.
7. You said that you may have contact with government in this role, for example, you may be present at events where government is also present. This type of contact would be in keeping with the lobbying ban imposed on all former ministers for two years on leaving office.

#### The Committee's advice

8. The Committee considered that this appointment does not raise any particular proprietary concerns under the government's Rules. The risks are appropriately mitigated by the standard conditions below and the unpaid nature of this role. The conditions prevent you from drawing on privileged information, contacts and influence within government to the unfair advantage of the Railway Benefit Fund.
9. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises this appointment with the Railway Benefit Fund 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 from your time in ministerial office;

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

<sup>2</sup> By unpaid the Committee means that no remuneration of any kind is received for the role. Applicants must declare where it is agreed or anticipated they may receive remuneration or some other compensation at some stage in the future.

- for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or its arm's length bodies on behalf of the Railway Benefit Fund (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 to influence policy, secure business/funding or otherwise unfairly advantage the Railway Benefit Fund (including parent companies, subsidiaries, partners and clients) and;
  - for two years from your last day in ministerial office, you should not undertake any work with the Railway Benefit Fund (including parent companies, subsidiaries, partners and clients) that involves providing advice 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 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 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.
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 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. 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 inform us if you propose to extend or otherwise change the nature of your role as,

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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.

depending on the circumstances, it may be necessary for you to make a fresh application.

14. 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. The Railway Benefit Fund (RBF) is a registered charity, formed in 1858, which provides support to current, former and retired railway staff and their dependants across the UK. The Railway Benefit Fund is the working name used by the Railway Benevolent Institution. It provides a range of services (including financial grants, confidential advice, online tools and a legal helpline) to anyone working, or who has worked in the railway, including passenger, freight, infrastructure, supply chain and ancillary services. It is funded solely through fundraising and donations.
2. You informed the Committee you wish to take up an unpaid, part-time role as Honorary Patron. You said you have been informed it would involve the following:
  - There are no formal responsibilities set down for the current holder of the role.
  - Supporting the Railway Benefit Fund in its fundraising efforts or to raise awareness of the charity's work, for example welcoming at a fundraising event or signing letters asking for donations from the private rail sector.
3. You said that there may be contact with government in this role but only in an informal or incidental capacity. You said that this may include attendance at events where government may also be present. You said that you would not lobby government in this role.
4. You also told the Committee that prior to your appointment as Minister of State at DfT, you were elected as the Chair of the House of Commons Transport Select Committee between January 2020 and October 2022.

### Dealings in office

5. In respect to your time in ministerial office:
  - You were Minister of State at DfT between October 2022 and July 2024.
  - You met with the RBF to discuss its role in the rail industry and the support it provides for staff.

### Department Assessment

6. DfT confirmed the details you provided and recommended the standard conditions.