



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

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July 2025

**BUSINESS APPOINTMENT APPLICATION: Robert Courts KC, former Solicitor General at the Attorney General's Office. Paid appointment with AirTanker Services Limited.**

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 a paid role as Non-Executive Director with AirTanker Services Limited (AirTanker).
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 AirTanker, as a former minister. 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. AirTanker is a UK-based aviation company and consortium made up of leading aerospace and defence specialists including Airbus, Babcock, Rolls-Royce and Thales. AirTanker delivers air-to-air refuelling and air transport services under the Ministry of Defence's (MOD) Future Strategic Tanker Aircraft programme,

as well as operates aircraft on the civilian register, offering capacity for commercial charter.

6. There is no known overlap with your recent ministerial role as Solicitor General, and AirTanker. Whilst you had dealings with the company in your capacity as a constituency MP, you did not meet with, nor were you involved in, policy, regulatory or commercial decisions specific to AirTanker in your capacity as a minister. Therefore, the Committee<sup>1</sup> considered the risk this appointment could reasonably be perceived as a reward for decisions or actions taken in office is low.
7. The Attorney General's Office (AGO) noted that as the former Solicitor General, you would have had access to legally privileged information and insight that could offer an unfair advantage. The Committee considered the risks limited because:
  - you are subject to the Law Officer's Convention – any information you may possess is subject to legal professional privilege, and neither the existence nor content of any Law Officers' advice should be disclosed outside government without the Law Officers' explicit consent;
  - the relevant policy areas of interest to AirTanker are held by the Department for Transport and the Ministry of Defence – which sat outside of your scope of responsibilities; and
  - it has been ten months and a change in government administration since you left office – providing a gap that reduces the currency of information you may possess.
8. As with any former minister, there are risks associated with your contacts and influence within government – with the potential for AirTanker to gain unfair access or influence as a result. You confirmed your role as Non-Executive Director excludes any dealings with government, reducing the risk you could be perceived to be lobbying government – which all former ministers are prevented from doing for two years after leaving office.
9. Your role involves advising AirTanker on business development opportunities. There is therefore a risk of unfair advantage to AirTanker, were you to draw specifically on private sector contacts that you only gained as a result of your recent time in government service.

### The Committee's advice

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<sup>1</sup> This application for advice was considered by Isabel Doverty; Hedley Finn OBE; Sarah de Gay; Dawid Konotey-Ahulu CBE DL; and Michael Prescott; and The Baroness Thornton.

10. The Committee determined the risks identified can be appropriately mitigated by the conditions below. These seek to prevent you from making use of privileged information, contacts and influence gained from your recent time in ministerial office to the unfair advantage of AirTanker.

11. The Committee advises, under the government's Business Appointment Rules, that your appointment with **AirTanker Services Limited** 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 service;
- for two years from your last day in ministerial service, you should not become personally involved in lobbying government or any of its arm's length bodies on behalf of AirTanker Services Limited (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage AirTanker Services Limited (including parent companies, subsidiaries, partners and clients);
- for two years from your last day in ministerial service, you should not provide advice to AirTanker Services Limited (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 and its arm's length bodies; and
- 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 and/or investment opportunities for AirTanker Services Limited.

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 understand any other rules and regulations they may be subject to in parallel with this Committee's advice.

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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.

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. You must inform us as soon as you take up this role, 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.

Isabel Doverly

**Interim Chair  
ACOBA**

## Annex – Material Information

### The role

1. AirTanker is a UK-based aviation company and consortium made up of leading aerospace, defence specialists and investors and shareholders including Airbus, Babcock, Rolls-Royce and Thales.
2. AirTanker delivers air-to-air refuelling and air transport services under the Ministry of Defence's Future Strategic Tanker Aircraft (FSTA) programme signed in 2008. The program, managed by AirTanker, provides the Royal Air Force (RAF) with a fleet of 14 Airbus A330 MRTT (Multi-Role Tanker Transport) aircraft, known as Voyagers, for air-to-air refueling and air transport. This 27-year contract, due to expire in March 2035, also includes the provision of supporting infrastructure, training, and maintenance.<sup>3 4</sup>
3. In addition to supporting the RAF's Voyager fleet, AirTanker operates aircraft on the civilian register, offering capacity for commercial charter. This includes services for civilian passengers and airlines, often covering high-demand periods such as peak holiday seasons or special operations, with a focus on long-haul and high-capacity routes. Through this dual military and commercial role, AirTanker combines defence capability with a presence in the civil aviation charter market.
4. You stated there are two parts to AirTanker's work: Defence, which faces the MOD (where you were not involved in office) and Air Charter, which faces the Department for Transport (where you held ministerial office over two years ago).
5. You described your paid, part-time role as Non-Executive Director as follows:
  - Strategy: non-executive directors should constructively challenge and contribute to the development of strategy;
  - Performance: non-executive directors should scrutinise the performance of management in meeting agreed goals and objectives and monitor the reporting of performance;
  - Risk: non-executive directors should satisfy themselves that financial information is accurate and financial controls and systems of risk management are robust and defensible;
  - People: non-executive directors have a prime role in appointing, and where necessary removing, executive directors and other senior management and in succession planning;

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<sup>3</sup> <https://www.airtanker.co.uk/media/news/airtanker-news/airtanker-reachesfsd/#:~:text=The%20FSTA%20programme%20has%20been,to%20that%20teamwork%20and%20commitment.%E2%80%9D>

<sup>4</sup> <https://www.airtanker.co.uk/about/strength-in-partnership/>

- Skills: non-executive directors should devote time to developing and refreshing their knowledge and skills;
- Standards: non-executive directors should uphold high standards of integrity and probity and support the other directors in instilling the appropriate culture, values and behaviours in the boardroom and beyond;
- Information: non-executive directors should insist on receiving high quality information sufficiently in advance of board meetings; and
- Relations with shareholders: non-executive directors should take into account the views of shareholders and other stakeholders where appropriate.

6. The role description provided by AirTanker further stated your role to involve:

- attending board meetings at the company's head office or such other place on dates to be notified to you in advance. It is anticipated that there will be 6 board meetings per year.
- to attend one annual board away day, and at least one site visit per year.
- to attend any general meetings or emergency board meetings which might be called from time to time.
- to serve on the audit, remuneration and/or growth committees of the board as required from time to time; and to carry out such other functions and duties, such as business development activities, as may be required of you from time to time.

7. You stated you are aware of the standard conditions and will abide by them. You stated AirTanker is also well aware of these conditions applied by ACOBA to your role and all your discussions with them have been entirely within these parameters. You stated you been quite clear that he cannot do the following things, and therefore confirmed he would not:

- directly or indirectly lobby government ministers or officials, or have any engagement with the UK Government on behalf of clients;
- seek to draw on your network of contacts in government;
- disclose privileged information from your time in government;
- have involvement with bids or contracts involving the government; nor
- working on AirTanker's dealings with the MOD.

8. You confirmed your role would be to give non-executive director support at board level on the company's strategic positioning and business development.

9. You stated AirTanker is a major constituency employer whilst you were an MP whom you have known for many years under different CEOs. You stated that you met with the company through routine engagement after the election in July

2024, and started informal discussions, which eventually materialised into a formal NED offer on the basis of advice provided by ACOBA.

10. You added that your defence-related expertise comes from your policy work on the backbenches, your constituency work as MP and from your experience as Aviation Minister at the Department for Transport, over 2 years ago. You added that:

- as an MP, you sat on the Defence Committee from 25 October 2022 to 12 December 2023, as well as Chair of the Defence Committee from 25 October 2023 to 12 December 2023;
- this proposed role is not adjacent to your work at the AGO but rather stems from your support for the company in your former constituency, and your deep understanding of military aviation, both RAF and industry, on a national basis.

#### Dealings in office

11. Of your time as Solicitor-General, you stated that:

- you did not meet with, nor were involved in any policy, commercial or regulatory decisions specific to AirTanker. Any dealings you had with the company were within your capacity as a constituency MP, not in your ministerial capacity
- you added that the relevant policy matters were held by the MOD, not your former department
- in relation to your access to information, you stated that in your former role as an MP in a backbench capacity, you were well-known to the wider civil and defence aviation sector and will have many routine engagement meetings with companies and representatives, but none in a formal, professional capacity such that you would have been privy to confidential or privileged information as Solicitor General.

#### Departmental assessment

12. The AGO confirmed the details you provided and stated the following in relation to your time as Solicitor General:

- you were not involved in decisions specific to AirTanker;
- the department does not hold a relationship with AirTanker; and
- you had access to confidential and legally privileged information which if disclosed inappropriately could be considered to offer an unfair insight/advantage to AirTanker.

13. The AGO recommended the standard conditions to appropriately mitigate the risk relating to the access and use of any sensitive information you may possess. It also noted:

*'In addition to legal privilege, Law Officers' advice is subject to the Law Officers' Convention, which provides that neither the existence nor content of any Law Officers' advice should be disclosed outside government without the Law Officers' explicit consent.'*