

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, the Northern Ireland Office. Paid appointment with XRail Group.

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 paid role with XRail Group (XRail) as a Non-Executive Director.
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 taken during your time in office, alongside the information and influence you may offer XRail. 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 Rules¹ set out that former ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers 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

¹ 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. There is no direct overlap between your ministerial responsibilities at the Northern Ireland Office (NIO) and this role. There is no relationship between XRail and the NIO and you made no decisions specific to XRail whilst you were in office. Whilst you previously held a ministerial role related to rail, you left this role more than three and a half years ago. Therefore, the Committee² considered that the risk this appointment can reasonably be perceived as a reward for decisions, or actions taken in office was low.
6. The Committee recognised as the Secretary of State for Northern Ireland, you had access to a range of information across sectors. The risk that your access to information could offer an unfair advantage to XRail or its clients is limited given there is no known overlap between your time in office and the work of XRail. Further, it has been over one year since you last had access to information and the NIO did not consider it likely you would offer an unfair advantage to the company in this regard.
7. However, XRail offers consultancy services and its clients are unknown. Any risk associated with your access to information is most likely to arise should you be asked to advise on matters you had material involvement in whilst at the NIO – a risk which is significantly limited given the nature of your role is to advise on matters relating to the company's business in the Middle East.
8. As a former Secretary of State, you may be seen to offer unfair access to government – particularly given XRail has clients that work closely with government in the rail sector. As a former minister, it would not be appropriate for you to seek to influence the UK's transport policy, funding or contracting whilst you are subject to government's Rules. This risk is limited given the focus of your role is external to the UK and you will have no contact with the UK government in this role.
9. As the Secretary of State for Northern Ireland, you will have gained a network of contacts externally to government, including in foreign governments. There is a risk your contacts and influence gained externally to government could be seen to offer an unfair advantage if used to secure future business for XRail Group.

The Committee's advice

10. The risks associated with your general access to sensitive information are limited, though the unknown nature of XRail's unknown clients is a potential,

² This application for advice was considered by Isabel Doverty; Sarah de Gay; Hedley Finn OBE; Michael Prescott; and The Baroness Thornton. Dawid Konotey-Ahulu CBE DL was unavailable.

albeit limited, risk. As in all such cases, the Committee has imposed a condition to mitigate the risks associated with any potential matters that overlap with any material involvement you had as Secretary of State for Northern Ireland.

11. The Committee agreed that the remaining risks associated with your access to privileged information, influence and contacts are appropriately mitigated by the conditions set out below.

12. Taking into account these factors, in accordance with the government's Business Appointment Rules, the Committee advises that this appointment with **XRail Group** be subject to the following conditions:

- 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 XRail Group (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 XRail Group (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 XRail Group (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 since your last day in ministerial service, you should not become personally involved in lobbying contacts you developed during your time in office in external organisations (including other governments) for the purpose of securing business for XRail Group (including parent companies, subsidiaries, partners and clients); and
- for two years from your last day in ministerial office, you should not advise XRail Group (including parent companies, subsidiaries, partners and clients) on work with regard to any policy or operational matters you had a material role in developing or determining or where you had a relationship with the company or organisation during your time as Secretary of State for Northern Ireland.

13. 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' Interests³. 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.
14. 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.
15. 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'*.
16. 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.
17. 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 Doherty

**Interim Chair
ACOPA**

³ 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 its website, XRail is a UK-based railway engineering consultancy. It offers a range of engineering services to clients, from specialised consulting to project delivery, including:
 - client requirements;
 - design;
 - assurance;
 - implementation;
 - bringing into service; and
 - operations and maintenance.
2. You said XRail has a small number of contracts in the UK, but most of its work is in Spain, Egypt and the Middle East.
3. According to its website, XRail previously secured positions on Transport for London's (TfL) Professional Services Framework 2: Engineering Consultancy Framework. This was active from January 2021 to January 2024. It has also previously been appointed by Network Rail⁴ as technical experts.
4. In your paid, part-time role as Non-Executive Director, you stated you will be helping and advising the CEO as XRail develops its business in the Middle East. You confirmed there will be no contact with government in this role.

Dealings in office

5. You informed the Committee that in your capacity as Secretary of State for Northern Ireland, you did not meet with XRail, nor were you involved in any decisions specific to XRail. You told the Committee you did not have access to sensitive information specific to XRail.
6. You told the Committee that decisions you made as Rail Minister would have affected the sector in which XRail operates. The Committee noted you left office as Rail Minister over three and a half years ago.

Departmental assessment

⁴ Network Rail runs the infrastructure for almost all rail lines in England and Wales at arm's length from government and is an executive non-departmental public body, sponsored by the Department for Transport.

7. NIO confirmed the details in your application, including that you made no decisions specific to XRail and that you do not have access to information from your time in ministerial office that would likely offer an unfair advantage to the company.
8. NIO recommended the standard conditions.