



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

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**BUSINESS APPOINTMENT APPLICATION: Paul Lincoln, former Second Permanent Secretary of the Ministry of Defence - application to establish an independent consultancy.**

1. Mr Lincoln sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Crown Servants (the Rules) to establish an independent consultancy.
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 Mr Lincoln's time in government service, alongside the information and influence a former Crown servant may offer his potential clients. The material information taken into consideration by the Committee<sup>1</sup> 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 Rules<sup>2</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

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

<sup>2</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. In his application Mr Lincoln described his independent consultancy as providing independent strategic and operational advice across a range of sectors including security and technology. His consultancy work will include: management consultancy, leadership advice, organisational improvement, corporate governance and risk and resilience.
6. The MOD does not consider Mr Lincoln to have been involved in any decisions that could offer his future clients an unfair advantage.
7. It would not be improper for Mr Lincoln to operate a consultancy which draws on generic skills, publicly available information and experience gained from his time in government. The risks in this case are hard to quantify given the potentially wide ranging nature of the consultancy; and he had access to a range of sensitive information and insight whilst in government service at the MOD. Mr Lincoln has not had access to information since he left his role three months ago.
8. Given his seniority and responsibilities in office, there is a risk associated with the contacts that Mr Lincoln gained during his time in government service. Specifically, the risk that his role as Second Permanent Secretary of the MOD and his industry relationships on the MOD's behalf may be seen to have offered him access to contacts that could be used to gain business for his consultancy/clients.
9. This advice provides Mr Lincoln consent only to set up a consultancy as described, subject to a number of conditions. It does not give him consent in relation to any possible future clients. He must seek advice in relation to each client, so that risks can be assessed and it will need to be demonstrated by himself and the MOD that the work would be appropriate under the Rules.

#### Future Commissions

10. Mr Lincoln must seek advice from the Committee for each commission he wishes to accept. Whether the conditions set out below can sufficiently mitigate the risk presented by any future commission he proposes to take up will depend on the specific details of each piece of work. Any failure to seek advice before accepting work would be a breach of the Rules and treated as such – including reporting breaches to government.
11. The main risk is the broad nature of Mr Lincoln's access to sensitive information across the MOD. There is therefore the potential for overlap with many of the sectors that he wishes to work in, and the risk of being perceived to be leveraging his time in office to gain clients.
12. The risks under the Rules will be most significant where Mr Lincoln seeks to provide advice on matters where he made decisions or had access to sensitive information in government service, most likely in the defence and

security sectors– these applications will need close scrutiny. The Committee will want to carefully consider the suitability of this work, and may advise that further conditions are required. Where conditions cannot appropriately mitigate the risks, the Committee may advise the work is unsuitable to take up within the two years the Rules apply. The Committee will consider such risks on a case-by-case basis.

### The Committee's advice

13. All potential clients must be notified of this advice, and when seeking work/new clients, Mr Lincoln must adhere to the conditions below. Under the government's Business Appointment Rules, the Committee advises that this independent consultancy should be subject to the conditions set out below:

- 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 or any of its arm's length bodies on behalf of those he advises under his independent consultancy (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in the government and/or Crown service contacts to influence policy, secure business/funding or otherwise unfairly advantage those he advises under his independent consultancy (including parent companies, subsidiaries, partners and clients);
- for two years from his last day in Crown service, he should not provide advice to or on behalf of those he advises under his independent consultancy (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, the MOD and its trading funds or any of its arm's length bodies;
- for two years from his last day in Crown service, he should not become personally involved in lobbying contacts he developed during his time in office and in other governments and organisations for the purpose of securing business for his independent consultancy; and
- for two years from his last day in Crown service, before accepting any commissions for his independent consultancy and or/before extending or otherwise changing the nature of his commissions, he 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.

14. The advice and the conditions under the government's Business Appointment Rules relate to an applicant's 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.
15. 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/Civil Service Code or otherwise.
16. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant 'should not engage in communication with Government 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.'
17. Mr Lincoln must inform us as soon as he takes up this work or if it is announced that he will do so. Similarly, he must inform us if he proposes to extend or otherwise change his role with the organisation as depending on the circumstances, it might be necessary for him to seek fresh advice.
18. Once this appointment has been publicly announced or taken up, we will publish this letter on the Committee's website.

## **Annex – Material Information**

### The role

1. Mr Lincoln described his consultancy as providing independent strategic and operational advice to industry, other consultancies, international organisations and potentially other governments across a range of sectors including security and technology. His services will focus on the following:
  - Management consultancy

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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.

- Leadership advice
- Organisational improvement
- Corporate governance
- Risk and resilience
- Strategy and strategy development
- Personnel
- Logistics
- Crisis management

#### Department Assessment

2. The MOD confirmed the details provided by Mr Lincoln on his application. They said he had general insight into all aspects of defence leadership. They said that Mr Lincoln was responsible for MOD finance, however responsibility for contracting with consultancies lay elsewhere in MOD.
3. The MOD recommended standard conditions for an independent consultancy with the expectation that Mr Lincoln will return to the committee for each commission.