



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Mr Huw William Merriman former Minister of State, Department for Transport. Paid appointment with the High Speed Rail Group.

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 Chair at High Speed Rail Group (HSRG).
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 HSRG, as a former minister with responsibilities for rail. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee considered whether this appointment was unsuitable given that HSRG is a representative body for the interests of organisations involved in the high speed rail sector and it seeks to influence government on behalf of its members. The Committee has also considered the information provided by you and your former department. The material information taken into consideration by the Committee is set out in the annex below.
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. As a former rail minister there is an overlap between your responsibilities in ministerial office and this role with HSRG. You met with HSRG and amongst other relevant rail matters, you had responsibility for HS2, the most significant high speed rail project. DfT confirmed your responsibilities in office did not include taking action or making decisions specific to HSRG, because:
 - a. HSRG has no contractual or commercial relationship with DfT.
 - b. Your contact with HSRG was limited to speaking at events.
 - c. You made no policy, regulatory or commercial decisions specific to HSRG.
6. During your time in office, HS2 was paused and then cancelled. It is reasonable to conclude this had a negative commercial impact in respect of the high speed rail sector and HSRG's member organisations. In the circumstances, the Committee¹ considered the risk that this role could reasonably be seen as a reward for decisions made or actions taken in office is limited.
7. As a former minister at DfT with responsibility for various matters relevant to high speed rail there is a risk, real or perceived, that you had access to sensitive information on matters affecting the rail industry that might benefit HSRG or its members. The risk is limited, because:
 - a. DfT is not aware of any specific information that would offer HSRG an unfair advantage, and policy information related to high speed rail is in the public domain;
 - b. It has been 14 months since you left office, and a change of government, and subsequent major shift in the rail policy and operations landscape – including the introduction of Great British Railways and the move to public ownership. Thereby reducing the currency of any information that you have access to.
8. There are significant risks associated with your contacts and influence within government, particularly as HSRG is a representative trade body that promotes the interests of its member organisations to the government. This raises a reasonable concern you could be seen to lobby government in this role – which all former ministers are prevented from doing for two years on leaving office. It would be improper to join a representative body where the work cannot be separated from the organisation's influencing agenda. You said that you will not lobby government on HSRG's behalf and this will not form part of your role which is focused on hosting events and carrying out media duties. HSRG confirmed your role would be separated from its lobbying activity.

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

The Committee's advice

9. The Committee considers the main risk here is a reasonable concern that you may offer HSRG unfair access to the government, especially as the organisation seeks to influence the direction of government policies. Therefore, the Committee's advice is you should have no direct engagement with the government on behalf of HSRG whilst you are subject to the Rules, to mitigate the risk that you are seen to be making improper use of your time in office to the unfair benefit of your employer/ its members.
10. It is significant that HSRG has confirmed compliance with this advice and the conditions imposed.
11. There is also a significant overlap with the work of HSRG and your responsibilities as the former Rail Minister. The Committee recognised the risks here are limited given you did not make any decisions specific to HSRG and your access to sensitive information is significantly limited.
12. Taking these factors into account, in accordance with the government's Business Appointment Rules, the Committee's advice is this appointment with **High Speed Rail Group** 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;
 - 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 High Speed Rail 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 to influence policy, secure business/funding or otherwise unfairly advantage High Speed Rail Group including parent companies, subsidiaries, partners, clients and members);
 - for two years from your last day in ministerial office you should not undertake any work with High Speed Rail Group (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; and
 - for two years from your last day in ministerial office you should not have any engagement on behalf of High Speed Rail Group (including parent companies, subsidiaries, partners, clients and members) with the UK government.

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' Interests². 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 Civil Service Code or otherwise.
15. 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.*'
16. 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 seek advice if you propose to extend or otherwise change the nature of your role.
17. Once the appointment has been publicly announced or taken up, this advice letter will be published.

Isabel Doverty

**Interim Chair
ACOBA**

Annex – Material Information

The role

² 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.

1. The High Speed Rail Group (HSRG) is an industry membership body dedicated to advancing high speed rail infrastructure in the UK. The aim of HSRG is to unite organisations across the global high-speed rail and rail infrastructure supply chain, spanning major engineering firms, planners, designers and innovators in rail technology.
2. You seek to take on a paid role as Non Executive Chair. You stated the only requirements of the role are to host and introduce the annual conference and the reception held in Parliament and to potentially carry out the occasional media opportunity to promote the impact and potential for high speed rail. You said that you will have no contact with government in your role outside of this annual conference.

Correspondence with HSRG

3. HSRG confirmed in writing its understanding of and agreement to comply with the Committee's advice, stating that:
 - Mr Merriman will not undertake any activity that constitutes lobbying of government departments, ministers, or officials.
 - Mr Merriman's duties will be confined to strategic and advisory matters, governance oversight, and engagement with members, and will not involve advocacy with government bodies.

Dealings in office

4. You said that you had contact in office with HSRG at its Parliamentary reception where you delivered a speech.
5. You said you did not have access to privileged information that could offer an unfair advantage to HSRG and did not make any decisions specific to HSRG whilst in office. You told the Committee that your role as Rail and HS2 Minister would be relevant to the sector it operates in - but given HS2 was paused and then cancelled during your time in office, this had a negative impact on high speed rail.
6. Separately, you told the committee that whilst you were a minister you met with Dyan Perry, the retiring Chair, in her role as the Chief Executive of HS1 at the time.

Information in the public domain

7. The current government has announced plans to place all train operators in England under public ownership; a new arm's length public body - Great British Railways, which will manage competing cross-network planning and operations. The contracts currently held by private train operators will be

folded into Great British Railways, as they expire over the next few years or if they are broken by operators failing to deliver for passengers. It also continues to focus on reinvesting the resources that would have gone into HS2 following its cancellation, into other rail networks in the north.^{3,4}

Departmental assessment

8. DfT was consulted in relation to this application. It provided the following information:
 - In addition to the parliamentary reception, you also attended HSRG's annual conference.
 - It does not have a close or commercial relationship with HSRG; some of its officials and ministers attend relevant events. It noted some of its members were contracted to deliver parts of HS2.
 - You did not make any policy or regulatory decisions specific to HSRG.
 - You did not make any contractual/funding decisions specific to HSRG - or HS2 which fell to the relevant arm's length body though you would have endorsed these as minister.
 - You do not have access to privileged information that could offer an unfair advantage to HSRG – given it has been 14 months since you held a post in government.
9. DfT noted the benefits of high speed rail are in the public domain and had no concerns subject to the standard conditions.

³<https://labour.org.uk/wp-content/uploads/2024/04/GETTING-BRITAIN-MOVING-Labours-Plan-to-Fix-Britains-Railways.pdf>

⁴<https://www.gov.uk/guidance/great-british-railways>