



MINISTERIAL CODE

CABINET OFFICE
August 2019

MINISTERIAL CODE

Foreword by

The Prime Minister

The mission of this Government is to deliver Brexit on 31st October for the purpose of uniting and re-energising our whole United Kingdom and making this country the greatest place on earth.

We will seize the opportunities offered by Brexit, investing in education, technology and infrastructure, unlocking the talents of the whole nation and levelling up across our United Kingdom so that no town or community is ever again left behind or forgotten. In doing so, we will make our country the greatest place to invest or set up a business, the greatest place to send your kids to school and the greatest place in the world to live and bring up a family.

To fulfil this mission, and win back the trust of the British people, we must uphold the very highest standards of propriety – and this code sets out how we must do so.

There must be no bullying and no harassment; no leaking; no breach of collective responsibility. No misuse of taxpayer money and no actual or perceived conflicts of interest. The precious principles of public life enshrined in this document – integrity, objectivity, accountability, transparency, honesty and leadership in the public interest – must be honoured at all times; as must the political impartiality of our much admired civil service.

Crucially, there must be no delay - and no misuse of process or procedure by any individual Minister that would seek to stall the collective decisions necessary to deliver Brexit and secure the wider changes needed across our United Kingdom.

The time has come to act, to take decisions, and to give strong leadership to change this country for the better.

That is what this Government will do.

BORIS JOHNSON

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MINISTERIAL CODE

1 MINISTERS OF THE CROWN

General principle

1.1 Ministers of the Crown are expected to maintain high standards of behaviour and to behave in a way that upholds the highest standards of propriety.

1.2 Ministers should be professional in all their dealings and treat all those with whom they come into contact with consideration and respect. Working relationships, including with civil servants, ministerial and parliamentary colleagues and parliamentary staff should be proper and appropriate. Harassing, bullying or other inappropriate or discriminating behaviour wherever it takes place is not consistent with the Ministerial Code and will not be tolerated.

1.3 The *Ministerial Code* should be read against the background of the overarching duty on Ministers to comply with the law and to protect the integrity of public life. They are expected to observe the *Seven Principles of Public Life* set out at Annex A, and the following principles of Ministerial conduct:

- a. The principle of collective responsibility applies to all Government Ministers;
- b. Ministers have a duty to Parliament to account, and be held to account, for the policies, decisions and actions of their departments and agencies;
- c. It is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister;
- d. Ministers should be as open as possible with Parliament and the public, refusing to provide information only when disclosure would not be in the public interest, which should be decided in accordance with the relevant statutes and the *Freedom of Information Act 2000*;
- e. Ministers should similarly require civil servants who give evidence before Parliamentary Committees on

their behalf and under their direction to be as helpful as possible in providing accurate, truthful and full information in accordance with the duties and responsibilities of civil servants as set out in the *Civil Service Code*;

f. Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests;

g. Ministers should not accept any gift or hospitality which might, or might reasonably appear to, compromise their judgement or place them under an improper obligation;

h. Ministers in the House of Commons must keep separate their roles as Minister and constituency Member;

i. Ministers must not use government resources for Party political purposes; and

j. Ministers must uphold the political impartiality of the Civil Service and not ask civil servants to act in any way which would conflict with the *Civil Service Code* as set out in the *Constitutional Reform and Governance Act 2010*.

1.4 It is not the role of the Cabinet Secretary or other officials to enforce the Code. If there is an allegation about a breach of the Code, and the Prime Minister, having consulted the Cabinet Secretary, feels that it warrants further investigation, he may ask the Cabinet Office to investigate the facts of the case and/or refer the matter to the independent adviser on Ministers' interests.

1.5 The Code provides guidance to Ministers on how they should act and arrange their affairs in order to uphold these standards. It lists the principles which may apply in particular situations. It applies to all members of the Government and covers Parliamentary Private Secretaries in paragraphs 3.7 – 3.12.

1.6 Ministers are personally responsible for deciding how to act and conduct themselves in the light of the Code and for justifying their actions and conduct to Parliament and the public. However, Ministers only remain in office for so long as they retain the confidence of the Prime Minister. He is the ultimate

judge of the standards of behaviour expected of a Minister and the appropriate consequences of a breach of those standards.

1.7 Ministers must also comply at all times with the requirements which Parliament itself has laid down in relation to the accountability and responsibility of Ministers. For Ministers in the Commons, these are set by the Resolution carried on 19 March 1997 (*Official Report* columns 1046-47), the terms of which are repeated at b. to e. above. For Ministers in the Lords, the Resolution can be found in the *Official Report* of 20 March 1997 column 1057. Ministers must also comply with the Codes of Conduct for their respective Houses and also any requirements placed on them by the Independent Parliamentary Standards Authority.

2 MINISTERS AND THE GOVERNMENT

General principle

2.1 The principle of collective responsibility requires that Ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached. This in turn requires that the privacy of opinions expressed in Cabinet and Ministerial Committees, including in correspondence, should be maintained.

Cabinet and Ministerial Committee business

2.2 The business of the Cabinet and Ministerial Committees consists in the main of:

- a. questions which significantly engage the collective responsibility of the Government because they raise major issues of policy or because they are of critical importance to the public;
- b. questions on which there is an unresolved argument between departments.

Collective responsibility

2.3 The internal process through which a decision has been made, or the level of Committee by which it was taken should not be disclosed. Neither should the individual views of Ministers or advice provided by civil servants as part of that internal process be disclosed. Decisions reached by the Cabinet or Ministerial Committees are binding on all members of the Government. They are, however, normally announced and explained as the decision of the Minister concerned. On occasion, it may be desirable to emphasise the importance of a decision by stating specifically that it is the decision of Her Majesty's Government. This, however, is the exception rather than the rule. Ministers also have an obligation to ensure decisions agreed in Cabinet and Cabinet Committees (and in write-rounds) are implemented. Ministers should take special care in discussing issues which are the responsibility of other Ministers, consulting ministerial colleagues as appropriate.

2.4 Matters wholly within the responsibility of a single Minister and which do not significantly engage collective responsibility need not be brought to the Cabinet or to a Ministerial Committee unless the Minister wishes to inform his colleagues or to have their advice. No definitive criteria can be given for issues which engage collective responsibility. The Cabinet Secretariats can advise where departments are unsure, however, the final decision rests with the Prime Minister. When there is a difference between departments, it should not be referred to the Cabinet until other means of resolving it have

been exhausted. It is the responsibility of the initiating department to ensure that proposals have been discussed with other interested departments and the outcome of these discussions should be reflected in the memorandum or letter submitted to Cabinet or a Cabinet Committee.

Attendance at Cabinet and Cabinet Committees

2.5 Cabinet and Cabinet Committee meetings take precedence over all other Ministerial business apart from the Privy Council, although it is understood that Ministers may occasionally have to be absent for reasons of Parliamentary business and international commitments. A Minister may delegate attendance at Cabinet Committees to a junior Ministerial colleague (although there may be exceptions for particular meetings at the discretion of the Chair), but officials cannot attend Cabinet Committee meetings in place of a Minister. There are restrictions on officials attending Cabinet Committees. If exceptionally officials or advisers need to attend, they should inform the secretariat. The Ministerial chair of the Committee must agree attendance of officials and advisers in advance.

Publication of policy statements and consultation papers

2.6 Before publishing a policy statement (white paper) or a consultation paper (green paper), departments should consider whether it raises issues which require full collective ministerial consideration through the appropriate Cabinet Committee. The expectation is that most such papers will need collective agreement prior to publication. Any Command Paper containing a major statement of Government policy should be circulated to the Cabinet before publication. This rule applies to Papers containing major statements even when no issue requiring collective consideration is required.

Cabinet documents

2.7 Ministers relinquishing office should hand back to their department any Cabinet documents and/or other departmental papers in their possession.

2.8 On a change of Government, the Cabinet Secretary on behalf of the outgoing Prime Minister, issues special instructions about the disposal of Cabinet papers of the outgoing Administration.

Access by former Ministers to official papers

2.9 By convention and at the Government's discretion, former Ministers are allowed reasonable access to the papers of the period when they were in office. With the exception of former Prime Ministers, access is limited to former Ministers personally. Subject to compliance with the 'Radcliffe' Rules (paragraph 8.10), former Ministers may have access in the Cabinet Office to copies of Cabinet or Cabinet Committee papers which were issued to them when in office, and access in

the relevant department to other official papers which they are known to have handled at the time. The requirements of paragraph 2.13 below also apply.

The Law Officers

2.10 The Law Officers must be consulted in good time before the Government is committed to critical decisions involving legal considerations.

2.11 By convention, written opinions of the Law Officers, unlike other ministerial papers, are generally made available to succeeding Administrations.

2.12 When advice from the Law Officers is included in correspondence between Ministers, or in papers for the Cabinet or Ministerial Committees, the conclusions may if necessary be summarised but, if this is done, the complete text of the advice should be attached.

2.13 The fact that the Law Officers have advised or have not advised and the content of their advice must not be disclosed outside Government without their authority.

**Security of
Government
business**

2.14 Ministers have an important role to play in maintaining the security of Government business. They should ensure that they follow the advice about *Security of Government Business*. If in doubt about any particular arrangements, Ministers should, in the first instance, consult their Permanent Secretary for advice.

3 MINISTERS AND APPOINTMENTS

General principle

3.1 Civil service appointments must be made in accordance with the requirements of the *Constitutional Reform and Governance Act 2010*. Ministerial involvement in such appointments is set out in the Civil Service Commission's *Recruitment Principles*. Public appointments should be made in accordance with the requirements of the law and, where appropriate, the Governance Code issued by the Cabinet Office. Ministers have a duty to ensure that influence over civil service and public appointments is not abused for partisan purposes.

Special advisers

3.2 With the exception of the Prime Minister, Cabinet Ministers may each appoint up to two special advisers. The Prime Minister may also authorise the appointment of special advisers for Ministers who regularly attend Cabinet. All appointments, including exceptions to this rule, require the prior written approval of the Prime Minister, and no commitments to make such appointments should be entered into in the absence of such approval. All special advisers will be appointed under terms and conditions set out in the *Model Contract for Special Advisers* and the *Code of Conduct for Special Advisers*.

3.3 All special advisers must uphold their responsibility to the Government as a whole, not just to their appointing Minister. The responsibility for the management and conduct of special advisers, including discipline, rests with the Minister who made the appointment. Individual Ministers will be accountable to the Prime Minister, Parliament and the public for their actions and decisions in respect of their special advisers. It is, of course, also open to the Prime Minister to terminate employment by withdrawing her consent to an individual appointment.

3.4 The Government will publish an annual statement to Parliament setting out the numbers, names and paybands of special advisers, the appointing Minister and the overall paybill.

Departmental Boards

3.5 Secretaries of State should chair their departmental board. Boards should comprise other Ministers, senior officials, a Lead Non-Executive and non-executive board members, (largely drawn from the commercial private sector and appointed by the Secretary of State in accordance with Cabinet Office guidelines). The remit of the board should be performance and delivery, and to provide the strategic leadership of the department.

**Parliamentary
Private
Secretaries**

3.6 Cabinet Ministers and Ministers of State may appoint Parliamentary Private Secretaries. All appointments require the prior written approval of the Prime Minister. The Chief Whip should also be consulted and no commitments to make such appointments should be entered into until such approval is received.

3.7 Parliamentary Private Secretaries are not members of the Government. However, they must ensure that no conflict arises, or appears to arise, between their role as a Parliamentary Private Secretary, and their private interests.

3.8 Official information given to them should generally be limited to what is necessary for the discharge of their Parliamentary and political duties. This need not preclude them from being brought into departmental discussions where appropriate, but any such access should be approved by the relevant appointing Minister. They should not have access to information classified at secret or above. Any proposal to visit a secure government establishment requires the approval of the Head of the establishment.

3.9 Parliamentary Private Secretaries are expected to support the Government in divisions in the House. No Parliamentary Private Secretary who votes against the Government can retain his or her position.

3.10 Parliamentary Private Secretaries should not make statements in the House nor put Questions on matters affecting the department with which they are connected. They are not precluded from serving on Select Committees, but they should withdraw from any involvement with inquiries into their appointing Minister's department, and they should avoid associating themselves with recommendations critical of or embarrassing to the Government. They should also exercise discretion in any statements outside the House.

3.11 Where it is proposed to take a Parliamentary Private Secretary or other Parliamentarian on an official visit overseas, the Prime Minister's approval is required. Official overseas travel by a Parliamentary Private Secretary, or other Parliamentarians, should be exceptional.

3.12 Parliamentary Private Secretaries, particularly those in departments with planning responsibilities, should take special care when making representations to Ministers about planning issues. In particular, they should not discuss planning cases with interested parties or imply that they have any influence

over planning decisions. In representing their constituency interests they should abide by the guidance in section 6 of this Code. Permanent Secretaries should be advised of any such interests.

4 MINISTERS AND THEIR DEPARTMENTS

General principle

4.1 The Prime Minister is responsible for the overall organisation of the executive and the allocation of functions between Ministers in charge of departments.

Approval criteria

4.2 The Prime Minister's approval must be sought where changes are proposed that affect this allocation and the responsibilities for the discharge of ministerial functions. This applies whether the functions in question are derived from statute or from the exercise of the Royal Prerogative, or are general administrative responsibilities.

4.3 The Prime Minister's written approval must be sought where it is proposed to transfer functions:

- a. between Ministers in charge of departments; and
- b. between junior Ministers within a department unless the changes are de minimis.

4.4 In addition, the Prime Minister's written approval should be sought for proposals to allocate new functions to a particular Minister where the function does not fall wholly within the field of responsibilities of one Minister, or where there is disagreement about who should be responsible.

4.5 Unresolved disputes concerning the allocation of functions should be referred to the Cabinet Secretary before a submission is made to the Prime Minister.

Ministers outside the Cabinet

4.6 The Minister in charge of a department is solely accountable to Parliament for the exercise of the powers on which the administration of that department depends. The Minister's authority may, however, be delegated to a Minister of State, a Parliamentary Secretary, or to an official. It is desirable that Ministers in charge should devolve to their junior Ministers responsibility for a defined range of departmental work, particularly in connection with Parliament.

4.7 A Minister's proposal for the assignment of duties to junior Ministers, together with any proposed "courtesy titles" descriptive of their duties should be agreed in writing with the Prime Minister, copied to the Cabinet Secretary.

4.8 Ministers of State and Parliamentary Secretaries will be

authorised to supervise the day-to-day administration of a defined range of subjects. This arrangement does not relieve the Permanent Secretary of general responsibility for the organisation and discipline of the department or of the duty to advise on matters of policy. Any conflict of view between junior Ministers and the Permanent Secretary should be resolved by reference to the Minister in charge of the department. If the dispute cannot be resolved it should be referred to the Prime Minister and the Cabinet Secretary.

Arrangements during absence from London

4.9 Departments should ensure appropriate arrangements are made for Ministerial cover when Ministers are absent from London.

4.10 The Prime Minister's prior approval should be sought for the arrangements for superintending the work of a department when the Minister in charge will be absent. Special care must be taken over the exercise of statutory powers. Ministers should seek legal advice in cases of doubt.

Maternity leave and other extended absence by a Minister

4.11 Ministers who wish to take maternity leave (of up to 6 months), or other extended absence from Government, must seek the permission of the Prime Minister. Where the Prime Minister agrees to such a request, the Minister must not exercise their functions as a Minister during their period of absence unless this is agreed by the Permanent Secretary and the Minister who is temporarily covering the Ministerial responsibilities.

**Royal Commissions/
Public Inquiries**

4.12 The Prime Minister must be consulted in good time about any proposal to set up:

a. Royal Commissions: these can only be set up with the sanction of the Cabinet and after The Queen's approval has been sought by the Prime Minister;

b. Public inquiries under the Inquiries Act 2005.

4.13 The Lord Chancellor and Secretary of State for Justice should also be consulted where there is a proposal to appoint a judge to the above.

5 MINISTERS AND CIVIL SERVANTS

General principle

5.1 Ministers must uphold the political impartiality of the Civil Service, and not ask civil servants to act in any way which would conflict with the *Civil Service Code* and the requirements of the *Constitutional Reform and Governance Act 2010*. Ministers should be professional in their working relationships with the Civil Service and treat all those with whom they come into contact with consideration and respect.

5.2 Ministers have a duty to give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice in reaching policy decisions, and should have regard to the *Principles of Scientific Advice to Government*.

The role of the Accounting Officer

5.3 Heads of departments and the chief executives of executive agencies are appointed as Accounting Officers. This is a personal responsibility for the propriety and regularity of the public finances for which he or she is responsible; for keeping proper accounts; for the avoidance of waste and extravagance; and for the efficient and effective use of resources. Accounting Officers answer personally to the Committee of Public Accounts on these matters, within the framework of Ministerial accountability to Parliament for the policies, actions and conduct of their departments.

5.4 Accounting Officers have a particular responsibility to see that appropriate advice is tendered to Ministers on all matters of financial propriety and regularity and more broadly as to all considerations of prudent and economical administration, efficiency and effectiveness and value for money. In line with the principles set out in *Managing Public Money*, if a Minister in charge of a department is contemplating a course of action which would involve a transaction which the Accounting Officer considers would breach the requirements of propriety or regularity, the Accounting Officer will set out in writing his or her objections to the proposal, the reasons for the objection and the duty to inform the Comptroller and Auditor General should the advice be overruled.

5.5 If the Minister decides nonetheless to proceed, the Accounting Officer will seek a written instruction to take the action in question. The Accounting Officer is obliged to comply with the instructions and send relevant papers to the Comptroller and Auditor General. A similar procedure applies where the Accounting Officer has concerns about whether a proposed course of action offers value for money. This

notification process enables the Committee of Public Accounts to see that the Accounting Officer does not bear personal responsibility for the actions concerned.

**Senior
Responsible
Owners**

5.6 Senior Responsible Owners of the Government's major projects (as defined in the Government's Major Project Portfolio) are expected to account to Parliament, for the decisions and actions they have taken to deliver the projects for which they have personal responsibility. This line of accountability relates to implementation (not policy development).

**Former
Accounting
Officers and
Senior
Responsible
Owners**

5.7 Former Accounting Officers and Senior Responsible Owners may be invited to return to give evidence to departmental Select Committees and the Public Accounts Committee on matters for which they were previously responsible. Where a Committee wishes to take evidence from a former Accounting Officer or Senior Responsible Owner, the request should be agreed where there is a clear rationale for doing so.

6 MINISTERS' CONSTITUENCY AND PARTY INTERESTS

General principle

6.1 Ministers are provided with facilities at Government expense to enable them to carry out their official duties. These facilities should not generally be used for Party or constituency activities.

Use of Government property/resources

6.2 Government property should not generally be used for constituency work or party political activities. A particular exception is recognised in the case of official residences. Where Ministers host Party or personal events in these residences it should be at their own or Party expense with no cost falling to the public purse. (See also paragraph 7.10).

6.3 Official facilities and resources may not be used for the dissemination of material which is essentially party political. The conventions governing the work of the Government Communication Service are set out in the Government Communication Service's *Propriety Guidance – Guidance on Government Communications*. Particular care should be taken to ensure that official social media accounts are not used for party political or constituency purposes.

Constituency interests

6.4 Where Ministers have to take decisions within their departments which might have an impact on their own constituencies, they must take particular care to avoid any possible conflict of interest. Within departments, the Minister should advise their Permanent Secretary and, in the case of junior Ministers, their Secretary of State and Permanent Secretary of the interest and responsibilities should be arranged to avoid any conflict of interest.

6.5 Ministers are free to make their views about constituency matters known to the responsible Minister by correspondence, leading deputations or by personal interview provided they make clear that they are acting as their constituents' representative and not as a Minister.

6.6 Ministers are advised to take particular care in cases relating to planning applications in their constituencies or other similar issues. In all such cases, it is important that they make clear that they are representing the views of their constituents, avoid criticism of Government policies and confine themselves to comments which could reasonably be made by those who are not Ministers. Once a decision has been announced, it

should normally be accepted without question or criticism.

6.7 Particular care also needs to be taken over cases in which a Minister may have a personal interest or connection, for example because they concern family, friends or employees. If, exceptionally, a Minister wishes to raise questions about the handling of such a case they should advise their Permanent Secretary and write to the Minister responsible, as with constituency cases, but they should make clear their personal connection or interest. The responsible Minister should ensure that any enquiry is handled without special treatment.

Lottery bids

6.8 In order to avoid the impression that Ministers are seeking to influence decisions on awards of Lottery money, Ministers should not normally give specific public support for individual applications for Lottery funding. Where a Minister wishes to lend support to a specific project within their constituency they should do so on the very clear understanding that it is in a constituency capacity.

**Parliamentary
Commissioner
for
Administration
cases
(Parliamentary
Ombudsman)**

6.9 Ministers in the Commons who are asked by members of the public to submit cases to the Parliamentary Commissioner for Administration should act no differently from other MPs in deciding whether to refer complaints to the Commissioner on the merits of the individual case.

6.10 Where a complaint from a constituent is against the Minister's own department the Minister should ask a neighbouring MP to take up the constituent's case on his or her behalf.

7 MINISTERS' PRIVATE INTERESTS

General principle

7.1 Ministers must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests, financial or otherwise.

Responsibility for avoiding a conflict

7.2 It is the personal responsibility of each Minister to decide whether and what action is needed to avoid a conflict or the perception of a conflict, taking account of advice received from their Permanent Secretary and the independent adviser on Ministers' interests.

Procedure

7.3 On appointment to each new office, Ministers must provide their Permanent Secretary with a full list in writing of all interests which might be thought to give rise to a conflict. The list should also cover interests of the Minister's spouse or partner and close family which might be thought to give rise to a conflict.

7.4 Where appropriate, the Minister will meet the Permanent Secretary and the independent adviser on Ministers' interests to agree action on the handling of interests. Ministers must record in writing what action has been taken, and provide the Permanent Secretary and the independent adviser on Ministers' interests with a copy of that record.

7.5 The personal information which Ministers disclose to those who advise them is treated in confidence. However, a statement covering relevant Ministers' interests will be published twice yearly.

7.6 Where it is proper for a Minister to retain a private interest, he or she should declare that interest to Ministerial colleagues if they have to discuss public business which in any way affects it and the Minister should remain entirely detached from the consideration of that business. Similar steps may be necessary in relation to a Minister's previous interests.

Financial interests

7.7 Ministers must scrupulously avoid any danger of an actual or perceived conflict of interest between their Ministerial position and their private financial interests. They should be guided by the general principle that they should either dispose of the interest giving rise to the conflict or take alternative steps to prevent it. In reaching their decision they should be guided by the advice given to them by their Permanent Secretary and the independent adviser on Ministers' interests. Ministers' decisions should not be influenced by the hope or expectation of future employment with

a particular firm or organisation.

Steps to be taken where financial interests are retained

7.8 Where exceptionally it is decided that a Minister can retain an interest, the Minister and the department must put processes in place to prohibit access to certain papers and ensure that the Minister is not involved in certain decisions and discussions relating to that interest.

7.9 In some cases, it may not be possible to devise a mechanism to avoid a conflict of interest. In any such case, the Prime Minister must be consulted and it may be necessary for the Minister to cease to hold the office in question.

Official Residences

7.10 Where a Minister is allocated an official residence, they must ensure that all personal tax liabilities, including council tax, are properly discharged, and that they personally pay such liabilities. Ministers who occupy an official residence will not be able to claim accommodation expenses from the Independent Parliamentary Standards Authority (See also paragraph 6.2).

Public appointments

7.11 When they take up office, Ministers should give up any other public appointment they may hold. Where exceptionally it is proposed that such an appointment should be retained, the Minister should seek the advice of their Permanent Secretary and the independent adviser on Ministers' interests.

Non-Public Bodies

7.12 Ministers should take care to ensure that they do not become associated with non-public organisations whose objectives may in any degree conflict with Government policy and thus give rise to a conflict of interest.

7.13 Ministers should not therefore normally accept invitations to act as patrons of, or otherwise offer support to, pressure groups, or organisations dependent in whole or in part on Government funding. There is normally less objection to a Minister associating him or herself with a charity, subject to the points above, but Ministers should take care to ensure that in participating in any fund-raising activity, they do not place, or appear to place, themselves under an obligation as Ministers to those to whom appeals are directed and for this reason they should not approach individuals or companies personally for this purpose. In all such cases, the Minister should consult their Permanent Secretary and where appropriate the independent adviser on Ministers' interests.

Membership of Select Committees/

7.14 In order to avoid any conflict of interest, Ministers on taking up office should give up membership or chairmanship of a Select Committee or All Party Parliamentary Group. This is to avoid any

**All Party
Parliamentary
Groups**

risk of criticism that a Minister is seeking to influence the Parliamentary process. It is also to avoid being drawn into a situation whereby their membership of a Committee could result in the belief that ministerial support is being given to a particular policy or funding proposal.

Trade Unions

7.15 There is, of course, no objection to a Minister holding trade union membership but care must be taken to avoid any actual or perceived conflict of interest. Accordingly, Ministers should arrange their affairs so as to avoid any suggestion that a union of which they are a member has any undue influence; they should take no active part in the conduct of union affairs, should give up any office they may hold in a union and should receive no remuneration from a union. A nominal payment purely for the purpose of protecting a Minister's future pension rights is acceptable.

**Legal
proceedings**

7.16 Where Ministers become involved in legal proceedings in a personal capacity, there may be implications for them in their official position. Defamation is an example of an area where proceedings will invariably raise issues for the Minister's official as well as his or her private position. In all such cases, Ministers should consult the Law Officers in good time and before legal proceedings are initiated so that they may offer guidance on the potential implications and handling of the proceedings.

7.17 Similarly, when a Minister is a defendant or a witness in an action, he or she should notify the Law Officers as soon as possible. Preferably, this should be before he or she has instructed his or her own solicitors in the matter.

**Nomination for
prizes and
awards**

7.18 From time to time, the personal support of Ministers is requested for nominations being made for international prizes and awards, for example, the annual Nobel prizes. Ministers should not sponsor individual nominations for any awards, since it would be inevitable that some people would assume that the Government was itself thereby giving its sponsorship.

**Foreign
decorations**

7.19 The rules governing the acceptance of foreign awards set by the Committee on the Grant of Honours, Decorations and Medals apply. Ministers should not normally, whilst holding office, accept decorations from foreign countries. Where such an award is offered directly to a Minister and it would be difficult or embarrassing to decline, they can receive the award but should inform the Foreign and Commonwealth Office (FCO) as soon as possible. Generally, permission to wear will not be granted but the minister will be able to retain the award as a keepsake. Where the FCO considers the case for restricted permission to wear might merit a national interest case exception,

the FCO will consult the Prime Minister who will make the final decision.

Acceptance of gifts and hospitality

7.20 It is a well-established and recognised rule that no Minister should accept gifts, hospitality or services from anyone which would, or might appear to, place him or her under an obligation. The same principle applies if gifts etc are offered to a member of their family.

7.21 This is primarily a matter which must be left to the good sense of Ministers. But any Minister in doubt or difficulty over this should seek the advice of their Permanent Secretary.

7.22 Gifts given to Ministers in their Ministerial capacity become the property of the Government and do not need to be declared in the Register of Members' or Peers' Interests. Gifts of small value, currently this is set at £140, may be retained by the recipient. Gifts of a higher value should be handed over to the department for disposal unless the recipient wishes to purchase the gift abated by £140. There is usually no customs duty or import VAT payable on the importation of official gifts received overseas. HMRC can advise on any cases of doubt. If a Minister wishes to retain a gift he or she will be liable for any tax it may attract. Departments will publish, on a quarterly basis, details of gifts received and given by Ministers valued at more than £140.

7.23 Gifts given to Ministers as constituency MPs or members of a political Party fall within the rules relating to the Registers of Members' and Lords' Interests.

7.24 Departments will publish, quarterly, details of hospitality received by Ministers in a Ministerial capacity. Hospitality accepted as an MP or Peer should be declared in the Register of Members' or Lords' Interests respectively.

Acceptance of appointments after leaving ministerial office

7.25 On leaving office, Ministers will be prohibited from lobbying Government for two years. They must also seek advice from the independent Advisory Committee on Business Appointments (ACoBA) about any appointments or employment they wish to take up within two years of leaving office. Former Ministers must ensure that no new appointments are announced, or taken up, before the Committee has been able to provide its advice. To ensure that Ministers are fully aware of their future obligations in respect of outside appointments after leaving office, the *Business Appointment Rules* are attached at Annex B. Former Ministers must abide by the advice of the Committee which will be published by the Committee when a role is announced or taken up.

8 MINISTERS AND THE PRESENTATION OF POLICY

General principle

8.1 Official facilities paid for out of public funds should be used for Government publicity and advertising but may not be used for the dissemination of material which is essentially party political. The conventions governing the work of the Government Communication Service are set out in the Government Communication Service's *Propriety Guidance – Guidance on Government Communications*.

Media interviews, speeches etc

8.2 In order to ensure the effective coordination of Cabinet business, the policy content and timing of all major announcements, speeches, press releases and new policy initiatives should be cleared in draft with the No 10 Press and Private Offices at least 24 hours in advance. All major interviews and media appearances, both print and broadcast, should also be agreed with the No 10 Press Office.

8.3 In all cases other than those described in paragraph 6.6, the principle of collective responsibility applies (see also paragraph 2.1). Ministers should ensure that their statements are consistent with collective Government policy. Ministers should take special care in referring to subjects which are the responsibility of other Ministers (see also paragraph 2.3).

8.4 Ministers must only use official machinery, including social media, for distributing texts of speeches relating to Government business. Speeches made in a party political context should not be distributed via official machinery.

8.5 Ministers invited to broadcast on radio, television and/or webcasts in a political or private capacity should consider if such a broadcast would have a bearing on another department's responsibilities, in which case they should clear the matter with the ministerial colleague concerned before agreeing to the invitation.

Press articles

8.6 Ministers may contribute to a book, journal or newspaper, including a local newspaper in their constituency, provided that publication will not be at variance with their obligations to Parliament and their duty to observe the principle of collective Ministerial responsibility. No payment should be accepted for such articles.

8.7 Any Minister wishing to practice regular journalism must have the prior approval of the No 10 Press Office.

Payment for speeches, media articles etc

8.8 Ministers should not accept payment for speeches or media articles of an official nature or which directly draw on their responsibilities or experience as Ministers or with a view to donating the fee to charity. If the organisation in question insists on making a donation to a charity then it should be a charity of the organisation's choice. This is to avoid any criticism that a Minister is using his or her official position to influence or take the credit for donations to charity.

Books

8.9 Ministers may not, while in office, write and publish a book on their ministerial experience. Nor, while serving as a Minister, may they enter into any agreement to publish their memoirs on leaving their ministerial position.

8.10 Former Ministers intending to publish their memoirs are required to submit the draft manuscript in good time before publication to the Cabinet Secretary and to conform to the principles set out in the Radcliffe report of 1976 (Cmnd 6386).

Surveys

8.11 Ministers are sometimes asked to give interviews to persons engaged in academic research or in market opinion surveys or questionnaires. Ministers should bear in mind the possibility that their views may be reported in a manner incompatible with their responsibilities and duties as members of the Government and such interviews should normally be declined.

Publication of White and consultation papers

8.12 Care should be taken to avoid infringing Parliamentary privilege when publicity is being arranged for White Papers and similar documents. A procedure is available whereby Confidential Final Revised proof copies can be made available. In some cases for instance, where commercially sensitive material is involved, no copies should be made available to the media before publication. See also paragraph 2.6 for clearance of the content of White Papers and similar documents.

Complaints

8.13 Ministers who wish to make a complaint against a journalist or a particular section of the media to the appropriate regulator, must have the approval of the No 10 Chief Press Secretary. Paragraph 7.16 is also relevant in relation to defamation proceedings.

Meetings with external organisations

8.14 Ministers meet many people and organisations and consider a wide range of views as part of the formulation of Government policy. Meetings on official business should normally be arranged through Ministers' departments. A private secretary or official should be present for all discussions relating to Government business. If a Minister meets an external organisation or individual and finds themselves discussing official business without an official present – for example at a social occasion or on holiday – any significant content should be passed back to the department as soon as possible after the event. Departments will publish quarterly, details of Ministers' external meetings. Meetings with newspaper and other media proprietors, editors and senior executives will be published on a quarterly basis regardless of the purpose of the meeting.

Statistics

8.15 Ministers need to be mindful of the UK Statistics Authority's *Code of Practice* which defines good practice in relation to official statistics, observance of which is a statutory requirement on all organisations that produce National Statistics in accordance with the provisions of the *Statistics and Registration Service Act 2007*.

Pre-release access rules

8.16 Ministers also need to have regard to the *Pre-Release Access to Official Statistics Order*, which places strict conditions on access to official statistics in their final form and significantly limits access ahead of publication. The Order requires Ministers to restrict pre-release access to a minimum number of persons and prohibits any statement or comment to the press ahead of release of the statistics.

9 MINISTERS AND PARLIAMENT

General principle

9.1 When Parliament is in session, the most important announcements of Government policy should be made in the first instance, in Parliament.

Timing and form of announcement

9.2 Even when Government announcements are not of major importance their timing may require careful consideration in order to avoid clashes with other Government publications, statements or announcements or with planned Parliamentary business. The Offices of the Leader of the Commons, the Chief Whip and the Prime Minister should be given as long an opportunity as possible to comment on all important announcements.

9.3 Every effort should be made to avoid leaving significant announcements to the last day before a recess.

Oral Statements

9.4 Ministers should not give undertakings, either in or outside the House of Commons, that an oral statement will be made to the House until the agreement has been given by the private secretaries to the Prime Minister, the Leader of the House of Commons and the Chief Whip. The Leader of the House of Lords and Lords Chief Whip should be consulted where a statement is to be made in the House of Lords in the first instance.

9.5 A copy of the text of an oral statement should usually be shown to the Opposition shortly before it is made. For this purpose, 15 copies of the statement and associated documents should be sent to the Chief Whip's Office at least 45 minutes before the statement is to be made. At the same time, a copy of the final text of an oral statement should in all cases be sent in advance to the Speaker.

9.6 Every effort must be made to ensure that where a former Minister or a Ministerial colleague and/or a fellow MP/Peer is mentioned in a statement or report which prompts a Ministerial statement, he or she is given as much notice as is reasonably possible.

Select Committee Reports

9.7 Any Minister or Parliamentary Private Secretary who receives a copy of a Select Committee report in advance of publication excluding copies sent to departments at the Confidential Final Revise stage should make no use of them and should return them without delay to the Clerk of the relevant Committee. Civil servants, including special advisers, are also covered by this ruling.

10 TRAVEL BY MINISTERS

General principle

10.1 Ministers must ensure that they always make efficient and cost-effective travel arrangements. Official transport should not normally be used for travel arrangements arising from Party or private business, except where this is justified on security grounds.

Overseas visits

10.2 Ministers should make it their personal responsibility to approve the size and composition of Ministerial delegations for which their department is responsible, including any accompanying special advisers, keeping delegations as small as reasonably possible. Ministers will wish to be satisfied that their arrangements could be defended in public.

10.3 Departments will publish quarterly, details of all travel overseas by Ministers.

10.4 When Ministers travel on official business, their travel expenses should be borne by the departmental vote. Offers of free travel should not normally be accepted. The only exception to this is in the case of an offer of transport from an overseas government provided no undue obligation is created.

10.5 When holding meetings overseas with Ministers and/or officials from overseas governments, or where official business is likely to be discussed, Ministers should always ensure that a private secretary or Embassy official is present. If a Minister meets an external organisation or individual and finds themselves discussing official business without an official present – for example at a social occasion or on holiday – any significant content should be passed back to the department as soon as possible after the event. Ministers should seek guidance in advance from their Permanent Secretary, who should consult the Foreign and Commonwealth Office in cases of doubt.

Non-scheduled flights

10.6 Only members of the Cabinet and Ministers in charge of Departments have discretion to authorise special flights either for themselves or other Ministers within their Departments. Non-scheduled flights may be authorised when a scheduled service is not available, or

when it is essential to travel by air, but the requirements of official or Parliamentary business or security considerations preclude the journey being made by a scheduled service. Use of special flights by Parliamentary Secretaries should only be approved in exceptional circumstances.

10.7 Non-scheduled flights must not be diverted for journeys to or from party business or constituency visits. When the time factor is critical, diversions from direct routes may, however, be authorised to collect or deliver a Minister to an airfield near his or her home provided that the only extra cost results from the extra flying time needed to carry out the additional landing and take-off.

10.8 In addition, Ministers travelling on business of the defence departments or visiting a Service or Defence Establishment may use Ministry of Defence aircrafts in accordance with rules and procedures approved by the Secretary of State for Defence.

Ministers recalled from abroad

10.9 If a Minister is abroad with permission and is called home for ministerial or Parliamentary reasons – including to vote – the cost of the extra journey back and forth may be met by public funds.

UK visits

10.10 Ministers intending to make an official visit within the United Kingdom must inform in advance, and in good time, the MPs whose constituencies are to be included within the itinerary.

10.11 Similar courtesies should be extended when UK Ministers are visiting the constituencies of members of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.

10.12 Ministers who are planning official visits to Scotland, Wales and Northern Ireland should inform the Secretary of State concerned.

Use of Official cars

10.13 Ministers are permitted to use an official car for official business and for home to office journeys within a reasonable distance of London on the understanding that they are using the time to work. Where practicable, Ministers are encouraged to use public transport.

10.14 The number of Ministers with allocated cars and

drivers will be kept to a minimum, taking into account security and other relevant considerations. Other Ministers will be entitled to use cars from the Government Car Service Pool as needed.

Party Political occasions

10.15 Where a visit is a mix of political and official engagements, it is important that the department and the Party each meet a proper proportion of the actual cost.

10.16 The Prime Minister, and any other Minister for whom the security authorities exceptionally consider it essential, may use their official cars for all journeys by road, including those for private or Party purposes.

Air Miles

10.17 Air miles and other benefits earned through travel paid for from public funds, other than where they are de minimis for example, access to special departure lounges or booking arrangements which go with membership of regular flier clubs, should be used only for official purposes or else foregone. If it is impracticable to use the benefits for Government travel, there is no objection to Ministers donating them to charity if this is permissible under the terms of the airline's scheme and the charity is one chosen by the airline.

Travelling expenses of spouses/partners

10.18 The expenses of a Minister's spouse/partner when accompanying the Minister on the latter's official duties may occasionally be paid from public funds provided that it is clearly in the public interest that he or she should accompany the Minister. The agreement of the Prime Minister must be obtained on each occasion before travel.

The Seven Principles of Public Life

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable for their decisions and actions and must submit themselves to whatever scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Business Appointment Rules for Former Ministers

It is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.

The Rules

“On leaving office, Ministers will be prohibited from lobbying Government for two years. They must also seek advice from the independent Advisory Committee on Business Appointments about any appointments or employment they wish to take up within two years of leaving office. Former Ministers must abide by the advice of the Committee.” [Ministerial Code, section 7.25]

1. The business appointment rules for former Ministers seek to counter suspicion that:
 - a) the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
 - b) an employer could make improper use of official information to which a former Minister has had access; or
 - c) there may be cause for concern about the appointment in some other particular respect.

Applications by Former Ministers

2. A fully completed application form will in most cases provide the Advisory Committee with the information it requires in order to give its advice. The form can be accessed at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/409591/business_appointments_application_form_-_former_ministers__2015_.doc

3. The Committee will need to consider details of the proposed appointment or employment, which includes any proposal to undertake consultancy work. If necessary, the Committee will seek, in confidence, additional information from senior officials of a former Minister's Department(s) about any contact with the prospective employer or its competitors and the nature of any contractual, regulatory or other relationships with them. The Committee will also, if relevant to the proposed appointment or employment, take account of any other role that the former Minister may have been (or still be) carrying out on behalf of the Government. With the former Minister's permission, the Committee may wish to contact the proposed new employer for clarification of the proposed appointment or employment and notification of the conditions that will apply to it.
4. Retrospective applications will not normally be accepted.
5. The Advisory Committee will consider each request for advice about an appointment or employment on its merits, against specific tests relating to the following:
 - I. to what extent, if at all, has the former Minister been in a position which could lay him or her open to the suggestion that the appointment was in some way a reward for past favours?
 - II. has the former Minister been in a position where he or she has had access to trade secrets of competitors, knowledge of unannounced Government policy or other sensitive information which could give his or her new employer an unfair or improper advantage?
 - III. is there another specific reason why acceptance of the appointment or employment could give rise to public concern on propriety grounds directly related to his or her former Ministerial role?
6. The Advisory Committee will need to balance any points arising under these tests against the desirability of former Ministers being able to move into business or other areas of public life, and the need for them to be able to start a new career or resume a former one.

Restrictions

7. The Advisory Committee may advise that they see no reason why an appointment or employment should not be taken up forthwith without any condition. However, if it considers that public concern could be of such a degree or character, it may recommend a delay in taking up the appointment, or that for a specified period the former Minister should stand aside from involvement in certain activities, for example, commercial dealings with his or her former Department, or involvement in particular areas of the new employer's business. Any conditions

advised may apply for a maximum of two years after the former Minister leaves office. Exceptionally, the Committee may advise that they view a particular appointment or employment to be unsuitable.

8. As a general principle, there will be a two-year ban on former Ministers lobbying Government after they leave office. This means that a former 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. This does not prohibit contacts, including at a social or party political level which is unrelated to such lobbying. The Advisory Committee may reduce the two-year lobbying ban if they consider this to be justified by the particular circumstances of an individual application.
9. In certain cases, due to the nature of the proposed appointment or employment, the Advisory Committee may, at its discretion, recommend that the lobbying ban need not prevent communications with Government on matters that are an integral part of the normal course of business for the organisation concerned.
10. A minimum waiting period of three months from the date of leaving office to taking up an appointment or employment will be expected when the former Minister was a member of Cabinet, and may also be applied to other former Ministers if the Advisory Committee believes this to be warranted by the circumstances of the individual case. The Committee may waive this minimum waiting period if, in its judgement, no question of propriety or public concern arises from the appointment or employment being taken up earlier. Equally, the Committee may consider that public concern about a particular appointment or employment could be of such a degree or character that a longer waiting period is appropriate up to the maximum period of two years that may be applied.
11. The Advisory Committee aims to provide their advice within 15 working days from receipt of the required information. Complex cases may take longer, but in such cases, the Advisory Committee's Secretariat will notify the former Minister concerned.
12. If, having received the Advisory Committee's advice, a former Minister has concerns, he or she will have an opportunity to make representations to the Committee, including an opportunity to meet with the Committee if they so wish.

Publicising the Advisory Committee's Advice¹

13. All approaches to the Advisory Committee will be handled in strict confidence, and will remain confidential until the appointment or employment is publicly announced or taken up, at which time the Committee will make public its advice, alongside summary details of the former Minister's last Ministerial post, and the appointment or employment to be taken up. Details will be placed on its website (<https://www.gov.uk/acoba>) and in its annual report. If asked, the Committee will say publicly whether or not its advice had been sought about an appointment or employment that had been taken up within two years of a Minister leaving office.

¹ The Committee handles personal information provided to it in accordance with the Data Protection Act 1998. Such information may on limited occasions be published, for example, if the Committee is required to publish information in accordance with the Freedom of Information Act 2000.